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ABSTRACT

This teacher's guide and student text is the fourth volume in the W. M. Keck Foundation Series. The guide, which is designed to provide instructional support for classroom use of "The Challenge of Governance," gives teachers an opportunity to review content from the National Standards for Civics and Government for High School with students in a systematic and comprehensive manner. In addition, the materials use interactive methodology that provides students with intellectual and critical thinking skill building, also required by the standards. The guide provides recommended lesson sequences incorporating readings, directed discussions, and interactive activities supported by reproducible handouts. Each lesson is structured with an overview, learning objectives, standards addressed, preparation needed for the lesson, and step-by-step procedures. The student text considers one of the basic challenges of every society: establishing and maintaining a proper government. The text is designed to supplement U.S. government courses and to help students gain proficiency in meeting the National Standards for Civics and Government. The text also provides background readings, directed discussions, and interactive activities addressing both intellectual and participatory skill development. Both the teacher's guide and the student text contain the following lessons: (1) "The Constitution and Governance"; (2) "Constitutional Limitations on Government"; (3) "A Democratic Republic"; (4) "The Civil Society"; (5) "Diversity and Equality"; (6) "Conflicts"; (7) "National Government and Taxation"; (8) "State and Local Government"; (9) "The Role of the Judiciary"; (10) "Setting the Public Agenda"; (11) "Voting and Selecting Political Leaders"; (12) "Public Policy"; (13) "America's Foreign Policy"; (14) "America and New Global Realities"; (15) "Citizenship and Rights"; and (16) "Civic Participation and Responsibility." (BT)

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The Challenge of Governance. Teacher's Guide [and Student Text]. W. M. Keck Foundation Series.

Marshall Croddy; Charles Degelman; Bill Hayes

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W.M. KECK FOUNDATION *Series*

The Challenge of Governance is the fourth volume in the W.M. Keck Foundation Series, a series of educational publications that address key challenges facing our democratic and pluralistic republic under the framework of the Constitution and its Bill of Rights. The W.M. Keck Foundation, one of the nation's largest charitable foundations, primarily supports higher education, medical research, and science. The Foundation also maintains a Southern California Grant Program that provides support in the areas of civic and community services, health care, precollegiate education, and the arts. The Board of Directors of Constitutional Rights Foundation is grateful to the W.M. Keck Foundation for its vision and generosity.

The Challenge of Governance
TEACHER'S GUIDE

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INTRODUCTION

In 1999, the National Assessment of Educational Progress, also known as "the Nation's Report Card," issued the results from its 1998 civics assessment of high school seniors. Based heavily on the National Standards for Civics and Government for High School, the assessment found that only 26 percent of all high school seniors showed proficiency in civics understanding. Reporting on the results, the *Los Angeles Times* stated: "Most of the nation's 3 million high school seniors will be eligible to vote next year in the first presidential election of the 21st century, but only one in four of them has more than a rudimentary understanding of how the American system of democratic government works . . . ."

The assessment clearly showed that more needs to be done to assure that students understand American democracy and are able meet the National Standards for Civics and Government for High School. We designed *The Challenge of Governance* with this in mind.

The Challenge of Governance gives teachers an opportunity to review content from the national standards with students in a systematic and comprehensive manner. In addition, the materials use interactive methodology that provides students with intellectual and critical-thinking skill building, also required by the standards. We hope that this approach proves to be both content rich and methodologically sound.

Overview of the Teacher's Guide

This Teacher's Guide is designed to provide instructional support for the classroom use of *The Challenge of Governance*. The student text is divided into 16 short chapters. Each chapter consists of two parts. The first part is an introductory reading covering one or two of the National Standards for Civics and Government for High School. These standards have been incorporated into most states' civics and government standards. The introductory readings offer students a review of all the national civics and government standards. The second part of each chapter is an activity reading that pursues a related specific issue of current importance. The activity readings offer student an opportunity to delve more deeply into an issue and prepare students for an interactive activity that will engage students and foster critical thinking.

This Teacher's Guide provides recommended lesson sequences incorporating readings, directed discussions, and interactive activities supported by reproducible handouts. Each lesson is structured with an overview, learning objectives, standards addressed in the lesson, preparation needed for the lesson, and step-by-step procedures.

The lessons are structured somewhat differently from the other volumes in the Challenge series. Please take note of the following:

Handout Q. This is the last handout in this Teacher's Guide and contains a vocabulary list for each lesson. Teachers may want to distribute this handout in advance of each lesson and ask students to review the applicable words.

Focus Discussion. Each lesson begins with a focus discussion. The discussions are designed to elicit personal opinions from students and make the introductory reading more meaningful.

Introductory Reading. The first reading in each chapter is an introductory reading based on the National Standards for Civics and Government for High School. These readings are packed with information. It is recommended that students read this as a review after having covered the material in their civics or government class. Or teachers may want to base a lecture on the introductory reading, which will give students an opportunity to ask questions. Following the lecture, students should be able to read the material themselves.

Points of Inquiry after the Introductory Reading. Each introductory reading is followed by Points of Inquiry, questions for discussion or writing. These questions are taken directly from the National Standards and are based on the benchmarks for each standard.

The remaining parts of the lesson are similar to the other volumes. The activity reading is more high interest reading than the introductory reading. It is followed by Points of Inquiry for another discussion. Then students take part in an interactive activity, which requires critical thinking and provides an opportunity for the students to get more involved in the subject.

One final note: We plan to put links related to each reading on our web site. Students (or teachers) may find these useful to get more information on a particular subject or to better prepare for an activity. To find these links, go to **www.crf-usa.org**, click on Links, and click on *The Challenge of Governance* Links.

Lesson 1: The Constitution and Governance

OVERVIEW

In this lesson, students explore constitutional government. First, students read and discuss an introductory reading about the origin and principles of constitutional government. Next, they read and discuss an activity reading focusing on the constitutions of emerging democracies. Finally, in small groups they evaluate some provisions from new constitutions of emerging democracies.

OBJECTIVES

Students will be able to:

1. Identify the purposes and sources of law.
2. Explain the purposes of constitutional government.
3. Identify major philosophical ideas and historical events that influenced limited government in the United States.
4. Explain the nature and importance of "popular sovereignty."
5. Compare and evaluate constitutional provisions from other countries.

STANDARDS ADDRESSED

National Civics Standards for High School

(3) Understands the sources, purposes, and functions of law, and the importance of the rule of law for the protection of individual rights and the common good

(4) Understands the concept of a constitution, the various purposes that constitutions serve and the conditions that contribute to the establishment and maintenance of constitutional government

(8) Understands the central ideas of American constitutional government and how this form of government has shaped the character of American society

(12) Understands the relationships among liberalism, republicanism, and American constitutional democracy

PREPARATION

In advance of the lesson, distribute **Handout Q**. This handout contains key words for all the lessons. You might assign the key words for review prior to each lesson. You will also need a copy of **Handout A** for each student.

PROCEDURE

A. **Focus Discussion:** Hold a brief discussion with students by asking:

   1. What is a constitution?
   2. What might it be like if the United States did not have a Constitution?

B. **Introductory Reading and Discussion:** Have students read **The Constitution and Governance** on page 6. Hold a discussion using the **Points of Inquiry** on page 8.

   1. What have people in history claimed were different sources of law? What do you think should be the main source of law? Why?
   2. What are some different purposes and functions of law?
   3. What are the purposes of a constitutional government? How can a government have a constitution and not be a constitutional government?
   4. How can constitutions promote change or help resolve social issues? Give some historical examples.
   5. What major philosophical ideas and historical events helped influence the creation of limited government in the United States? Why do you think the principles of constitutional government prospered in America?
   6. What is "popular sovereignty"? Why is it important to the U.S. Constitution?
   7. What is the origin of the word "democracy"? What does it mean? In our society, what is the different meaning between a "democrat" and a "Democrat"?

C. **Activity Reading and Discussion:** Have students read **Emerging Democracies** on page 8. Conduct a class discussion using the **Points of Inquiry** on page 9.

   1. Does a constitution guarantee that a nation will treat its citizens justly? Why or why not?

2. Does respect for the rule of law guarantee that a constitution is democratic? Why or why not?
3. What do you think are the main factors that distinguish a democratic from a non-democratic form of government?
4. Do you think there are economic, social, or educational conditions that foster democracy? If so, what are they?

D. **Small-Group Activity: Evaluating Constitutions**

Step 1. Divide the class into groups of 3–5 students.

Step 2. Distribute **Handout A–Evaluating Constitutions** to each student. Review the instructions and answer any questions students may have. Emphasize that all three questions on the handout require reasons for their answers. Allow groups time to complete the activity.

Step 3. Go through each provision separately, calling on different groups to report their answers to the questions and allowing for discussion of each question.

Lesson 2: Constitutional Limitations on Government

OVERVIEW

In this lesson, students examine the different methods the constitution uses to limit government. First, students read and discuss an introductory reading about constitutional limitations on government. Next, students read and discuss an activity reading on the amendment process. Finally, in small groups, students role play a congressional committee discussing and voting on a proposed amendment against flag burning.

OBJECTIVES

Students will be able to:

1. Identify and explain four limits on governmental power in the Constitution.
2. Explain how the values and principles of the Constitution have affected American society.
3. Describe the nature and influence of liberalism.
4. Evaluate a proposed constitutional amendment.

STANDARDS ADDRESSED

National Civics Standards for High School

(2) Understands the concept of a constitution, purposes of constitutions, conditions leading to constitutional government

(8) Understands the central ideas of American constitutional government and how this form of government shapes American society

(12) Understands the relationship among liberalism, republicanism, and American constitutional democracy

(15) Understands how the U.S. Constitution grants and distributes power and responsibilities to national and state government and how it seeks to prevent the abuse of power

PREPARATION

In advance of the lesson, you might assign for review the key words for this lesson from **Handout Q**. You will also need a copy of **Handout B** for each group.

PROCEDURE

A. **Focus Discussion:** Ask students: "Do you think the government is too powerful? Why or why not?" Hold a brief discussion.

B. **Introductory Reading and Discussion:** Have students read **Constitutional Limitations on Government** on page 10. Hold a discussion using the **Points of Inquiry** on page 12.

1. What is liberalism? When did it arise? What did it influence? What other political meanings are there of the word "liberal"?
2. Name four limits on governmental power as laid out in the Constitution. How does each one function to limit the power of the central government? All these limitations slow down the process of government. Why do you think the founders did this?
3. Aside from limiting government, what else does the Constitution do?
4. How have the values and principles of the Constitution affected American society?

C. **Activity Reading and Discussion:** Have students read **The Amendmen Process** on page 12. Conduct a class discussion using the **Points of Inquiry** questions on page 14.

1. What are two methods for modifying the Constitution?
2. Why do you think the founders made the Constitution so difficult to amend? Do you agree that it should be? Why or why not?
3. What proposed amendments to the Constitution do you know about? Do you think any of them should be added to the Constitution? Explain.

D. **Small-Group Activity: Burning the Flag**

Step 1. Divide students into groups of three or four. Ask them to imagine that they are members of a judiciary committee making recommendations on a proposed amendment to the Constitution.

Step 2. Distribute a copy of **Handout B—Burning the Flag** to each group. Review the proposal and instructions and answer any questions students may have. Make it clear that they are to give reasons for their decisions. Tell them to review the article they just read to help them with the activity.

Step 3. When they have completed the task, ask each group to present its decision to the class. Be sure to ask students why they made their recommendation.

Step 4. Conclude the activity by taking a class vote on the flag-burning amendment.

Lesson 3: A Democratic Republic

OVERVIEW

In this lesson, students explore the purposes of government and the different democratic forms of government. First, students read and discuss an introductory reading on this subject. Next, they read and discuss an activity reading on proposals to make America more democratic. Finally, they role play a presidential commission making recommendations on whether to replace the electoral college.

OBJECTIVES

Students will be able to:

1. Compare federal, confederal, and unitary systems of government.
2. Compare the parliamentary and shared powers systems.
3. Compare republics and direct democracies and summarize arguments for and against each.
4. Express an informed opinion on the nature and justification for political authority.
5. Evaluate and justify a position on the electoral college.

STANDARDS ADDRESSED

National Civics Standards for High School

(1) Understands about civic life, politics, and government

(5) Understands the major characteristics of systems of shared powers and of parliamentary systems

(6) Understands the advantages and disadvantages of federal, confederal, and unitary systems of government

(7) Understands alternative forms of representation and how they serve the purposes of constitutional government

(12) Understands the relationships among liberalism, republicanism, and American constitutional democracy

PREPARATION

In advance of the lesson, you might assign for review the key words for this lesson from **Handout Q**. You will also need a copy of **Handout C** for each group of 3-5 students.

PROCEDURE

A. **Focus Discussion:** Ask students: "Do you think our form of government is democratic enough?" Hold a brief discussion.

B. **Introductory Reading and Discussion:** Ask students to read the **A Democratic Republic** on page 15. Conduct a class discussion using the **Points of Inquiry** on page 17.

1. Why do you think politics is found wherever people gather? What does politics help people do?
2. Why are political authority and government necessary? What are some formal institutions that have existed to exercise political authority? How have people justified political authority historically? What do you think should justify it? Why?
3. Compare and contrast the federal, confederal, and unitary systems of government. What are the advantages and disadvantages of each?
4. What is a system of shared powers? What is a parliamentary system? What do you think are the advantages and disadvantages of each?
5. What is a republic? How does it differ from direct democracy? What are the main arguments for and against each? In modern America, what is the different meaning of the words "republican" and "Republican"?

C. **Activity Reading and Discussion:** Ask students to read **Making America More Democratic** on page 18. Conduct a class discussion using the **Points of Inquiry** questions on page 19.

1. Do you think the initiative process should be adopted at the federal level? Explain.
2. Do you think campaign finance reform is necessary? Why or why not?
3. Many times in our history it has been suggested that the electoral college be changed. Why do you think it never has been?

D. **Small-Group Activity: Should We Replace the Electoral College?**

Step 1. Divide the class into groups of 3-5 students.

Step 2. Distribute **Handout C—Should We Replace the Electoral College?** to each student and review it. Tell students that they should review the electoral college section of the activity reading on page 18 to help them with their discussion. Answer any questions they may have.

Step 3. Give them time to complete the task. When they are ready, ask which groups favored option #1. Ask them for their reasons. Ask others who rejected this option why they did. Hold a class discussion. Repeat this for each option.

Step 4. Conclude by holding a class vote on each option.

Lesson 4: The Civil Society

OVERVIEW

In this lesson, students explore the nature and importance of civil society. First, students read and discuss an introductory reading about the principles and values of a civil society. Next, they read and discuss an activity reading about compulsory national service. Finally, they work in small groups role playing a presidential commission recommending whether compulsory national service should be established in the United States.

OBJECTIVES

Students will be able to:

1. Explain the nature and importance of "civil society."
2. Describe how voluntary associations have played an important role in American history.
3. Identify three basic values of American society and explain their importance.
4. Evaluate the pros and cons of required national service.

STANDARDS ADDRESSED

Civics Standards for High School

(2) Understands the essential characteristics of limited and unlimited governments

(9) Understands the importance of Americans sharing and supporting certain values, beliefs, and principles of American constitutional democracy

(10) Understands the roles of voluntarism and organized groups in American social and political life

PREPARATION

In advance of the lesson, you might assign for review the key words for this lesson from **Handout Q.** You will also need a copy of **Handout D** for each student.

PROCEDURE

A. **Focus Discussion:** Ask students: "Do you think young people 'owe' anything to their country? To their communities?" Hold a brief discussion.

B. **Introductory Reading and Discussion:** Have students read **The Civil Society** on page 20. Conduct a class discussion using the **Points of Inquiry** on page 21.

1. How do our institutions of government reflect fundamental American values such as justice, liberty, equality, limited government, and the common good? How do these basic values depend on each other? How do you think these values are important for the individual and society?
2. What is "civil society"? Why is it important in a democracy? How do you think civil society is treated by authoritarian or totalitarian governments? Why?
3. Throughout American history, voluntary groups have played a political role. Give three examples.
4. How have voluntary associations sometimes performed the same responsibilities as government? What debates have developed because of this?
5. Why do you think voluntary associations have been so important in America throughout its history?

C. **Activity Reading and Discussion**: Ask students to read **National Service** on page 22. Conduct a class discussion using the **Points of Inquiry** questions on page 23.

1. What value do you think national service has?
2. What national service programs in the past do you think were most valuable? Why?
3. What is mandatory national service? What would be its advantages? Its disadvantages?

D. **Small-Group Activity: To Serve or Not To Serve?**

Step 1. Explain that today students are going to consider the pros and cons of requiring national service for all young people. Divide the class into groups of 3–5 students and distribute **Handout D—To Serve or Not To Serve?** to each group.

Step 2. Review the handout and answer any questions students may have. Remind students that they will need to (1) give reasons to support their answers and (2) be prepared to explain their reasons to the class. Allow groups time to do the activity.

Step 3. When they finish, ask: "Which groups favored option #1? Why?" Hold a discussion. Allow other groups to comment on why they rejected the option. Repeat this process for each option. Ask if any groups created different options, list them on the board, and discuss them as well.

Step 4. Conclude the activity by hold a class vote on which option they would recommend.

Lesson 5: Diversity and Equality

OVERVIEW

In this lesson, students explore how our political system addresses issues of diversity. First, students read and discuss an introductory article about diversity and equality. Next, they read an activity reading on the constitutional issue of student-led prayer at public school events. Finally, they role play Supreme Court justices and attorneys deciding this issue.

OBJECTIVES

Students will be able to:

1. Express different viewpoints about the role and value of diversity in America.
2. Explain a historical conflict over diversity.
3. Argue and decide a constitutional issue over diversity.

STANDARDS ADDRESSED

National Civics Standards for High School

(11) Understands the role of diversity in American life and the importance of shared values, political beliefs, and civic beliefs in an increasingly diverse American society

(14) Understands issues concerning the disparities between ideals and reality in American political and social life

PREPARATION

In advance of the lesson, you might assign for review the key words for this lesson from **Handout Q**.

PROCEDURE

A. **Focus Discussion:** Hold a brief discussion by asking students: "Do you think our nation does enough to ensure equal protection under the law? Why or why not?"

B. **Introductory Reading and Discussion:** Have students read **Diversity and Equality** on page 24. Hold a brief discussion using the **Points of Inquiry** on page 25.

   1. In what ways is America a diverse society? What are some different viewpoints about the role and value of diversity in American life? How has diversity affected American politics?
   2. What are some conflicts in American history that have taken place over diversity? Why do you think some of these conflicts have been resolved and others have not?
   3. Why do you think constitutional principles must be followed when managing conflicts with diversity?
   4. What gaps are there between the ideal of equality and actual equality in American society? What efforts do you know about that have reduced these gaps? Do you think ideals, like the ideal of equality, are important? Explain.

C. **Activity Reading and Discussion**: Have students read **Should Students Have the Right to Lead Prayers at Public School Events?** on page 25. Conduct a class discussion using the **Points of Inquiry** on page 27.

   1. What is the establishment clause? What is its purpose?
   2. Do you think the establishment clause is important? Explain.
   3. What do you think are the strongest arguments on each side in the student-led prayer case?

D. **Small-Group Activity: Supreme Court Role Play**

   Step 1. Explain that the Supreme Court had one issue before it in the Texas student-led prayer case. Write the issue on the board: Does the school board policy permitting student-led, student-initiated prayer at football games violate the establishment clause?

   Step 2. Inform students that they are going to take part in a role play of the Supreme Court deciding this issue. Divide the class into groups of three. Assign each student in each triad one of three roles: (1) lawyer for the school board, (2) lawyer for the Catholic and Mormon families, and (3) Supreme Court justice.

   Step 3. Regroup the class so that students can consult with one another while preparing for the moot court. Put school board lawyers on one side of the room, lawyers for the families on the other, and Supreme Court justices in front. Tell the lawyers to think up their best arguments and the justices to think up questions to ask each side. Tell everyone to refer to the reading.

Step 4. Regroup into triads and begin the moot court. The justices leading each group should let school board lawyers present their cases first and then have the opposing lawyer speak. The justice can interrupt to ask questions. After both sides present, have the justices return to their seats in front, discuss the case in front of the class, and vote. Each justice should individually state his or her opinion on the case.

Step 5. Debrief by asking what were the strongest arguments on each side.

Lesson 6: Conflicts

OVERVIEW

In this lesson, students explore methods that governments use to resolve conflicts. First, students read and discuss an introductory reading about how our constitutional democracy deals with conflicts. Next, students read and discuss an activity reading about legal methods for dealing with conflicts over eminent domain actions. Finally, working in small groups, students evaluate hypothetical cases to determine whether they qualify as "takings" requiring just compensation under the Fifth Amendment of the Constitution.

OBJECTIVES

Students will be able to:

1. Identify examples of conflicts between basic values or constitutional principles.
2. Identify factors in American society that have contributed to lessening divisiveness.
3. Evaluate whether hypothetical cases qualify as "takings" under the Fifth Amendment.

STANDARDS ADDRESSED

National Civics Standards for High School

(13) Understands the character of American political and social conflict and factors that tend to prevent or lower its intensity

PREPARATION

In advance of the lesson, you might assign for review the key words for this lesson from **Handout Q**. You will also need a copy of **Handout E** for each student.

PROCEDURE

A. **Focus Discussion:** Remind students that our Constitution guarantees the right to free speech and the right to a fair trial. Ask students: "How might these two rights come into conflict? Which right is more important? Why?" Hold a brief discussion.

B. **Introductory Reading and Discussion:** Ask students to read **Conflicts** on page 28. Hold a class discussion using the **Points of Inquiry** on page 29.

   1. What are some examples of conflicts between basic values or principles?

2. Why might people agree on values in the abstract but disagree on specific issues?
3. How have organized labor, business, and government been involved in political conflicts?
4. How have recourse to the legal and political system and the concept of loyal opposition lessened the divisiveness of political conflict in the United States? What other factors have contributed to lessening divisiveness and how have they done so?

C. **Activity Reading and Discussion:** Ask students to read **Zoning and Eminent Domain** on page 30. Conduct a class discussion using the **Points of Inquiry** on page 31.
   1. What are some rights usually associated with the ownership of property?
   2. What provisions of the Constitution help protect property owners? What power does the government have to protect the interests of the general public?
   3. How do zoning laws reduce conflict over land use?
   4. When is just compensation called for under the Fifth Amendment?

D. **Small-Group Activity: Is It a Taking?**

   Step 1. Divide the class into pairs.

   Step 2. Distribute **Handout E—Is It a Taking?** to each student. Carefully review the handout. Answer any questions students may have and allow time for students to complete the assignment.

   Step 3. When they are done, call on one pair to report on what they decided on Case 1 and why. Hold a discussion over the case. Repeat this process for each case.

Lesson 7: National Government and Taxation

OVERVIEW

In this lesson, students learn what the federal government does and how it pays for it. First, students read and discuss an introductory reading on the role, structure, and financial responsibilities of the federal government. Next, students read and discuss an activity reading about how money is raised to fund the government. Finally, working in small groups, students take the role of presidential advisors who must evaluate proposals for replacing the graduated income tax.

OBJECTIVES

Students will be able to:

1. Explain the purpose and organization of the three branches of federal government.
2. Identify and explain two independent federal regulatory agencies.
3. Describe the origins and characteristics of the graduated income tax system.
4. Evaluate tax plans proposed as substitutes for the graduated income tax.

STANDARDS ADDRESSED

National Civics Standards for High School

(15) Understands how the U.S. Constitution grants and distributes power and responsibilities to national and state government and how it seeks to prevent the abuse of power

(16) Understands the major responsibilities of the national government for domestic and foreign policy, and understands how government is financed through taxation

PREPARATION

In advance of the lesson, you might assign for review the key words for this lesson from **Handout Q.** You will also need a copy of **Handout F** for each student.

PROCEDURE

A. **Focus Discussion:** Hold a brief discussion by asking "Do you think the federal government is too big? Why or why not? If so, how would you change it?"

B. **Introductory Reading and Discussion:** Have students read **National Government and Taxation** on page 32. Conduct a class discussion using the **Points of Inquiry** on page 33.

1. What is the purpose and organization of each of the three branches of the federal government?
2. Name two independent federal regulatory agencies. What does each do? What functions does each have?
3. How can the government's foreign and trade policies affect the lives of ordinary citizens?
4. What are some pro and con arguments over involving the federal government in solving domestic problems such as education, health care, and child care?

C. **Activity Reading and Discussion:** Have students read **Tax Debates** on page 34. Conduct a class discussion using the **Points of Inquiry** on page 35.

1. How has the method of raising money through taxation for the federal government changed over the years?
2. What is the difference between a "regressive" and a "progressive" tax?
3. Which of the following income taxes—a, b, or c—do you think is most fair? Explain your answer.
   a. Everyone pays the same amount, e.g., $5,000.
   b. Everyone pays a flat rate, e.g., 15 percent.
   c. Everyone pays a progressive rate, e.g., on the first $20,000, the rate is 5 percent, on the next $80,000, the rate is 15 percent, and on everything above $100,000, the rate is 25 percent.

D. **Small-Group Activity: Council of Economic Advisors**

Step 1. Explain to students that they are going to take the role of presidential advisors and evaluate three tax-reform proposals.

Step 2. Divide the class into small groups of 3–5 students. Distribute **Handout F—Council of Economic Advisors** to each student. Review the instructions and answer any questions students may have. Allow groups time to complete the activity.

Step 3. Ask who favored the sales tax. Ask for their reasons and let the class discuss this tax.

Step 4. Repeat Step 3 for each of the tax proposals.

Step 5. Conclude by letting students vote on which proposal they favor.

Lesson 8: State and Local Government

OVERVIEW

In this lesson, students examine the role of state and local government in our constitutional system. First, students read and discuss an introductory reading on state and local government. Next, they read and discuss an activity reading about welfare reform, with an emphasis on the shift from federal to state jurisdiction. Finally, students debate the pros and cons of several welfare-reform policies.

OBJECTIVES

Students will be able to:

1. Identify how the U.S. Constitution limits the powers of states.
2. Explain how the Constitution limits the power of the federal government over the states.
3. Explain the concepts of reserved and concurrent powers.
4. Make reasoned decisions on issues of welfare reform.

STANDARDS ADDRESSED

National Civics Standards for High School

(15) Understands how the U.S. Constitution grants and distributes power and responsibilities to national and state government and how it seeks to prevent the abuse of power

(17) Understands issues concerning the relationship between state and local governments and the national government and issues pertaining to representation at all three levels of government

PREPARATION

In advance of the lesson, you might assign for review the key words for this lesson from **Handout Q**. You will also need a copy of **Handout G** for each student.

PROCEDURE

A. **Focus Discussion:** Ask students "In the last week, what institutions of state and local government did you have contact with?" Hold a brief discussion.

B. **Introductory Reading and Discussion:** Have students read **State and Local Government** on page 36. Conduct a class discussion using the **Points of Inquiry** on page 38.

1. How does the U.S. Constitution limit the powers of states? How does the Constitution limit the power of the federal government over the states? What are reserved and concurrent powers? Give examples of each.
2. In what ways do state and local governments provide opportunities for experimentation and innovation?
3. How have many state and local governments made themselves more accessible to citizens?
4. How has the federal government changed since the nation's founding? What are some arguments for and against this change?

C. **Activity Reading and Discussion:** Have students read **Welfare** on page 38. Hold a brief discussion using the **Points of Inquiry** on page 40.

1. When was the federal welfare system originally established? Why was it established?
2. In recent years, what criticisms were leveled at the federal welfare system? What finally happened to the system? Do you believe this was a good idea? Why or why not?
3. Why might it cost more to move welfare recipients into jobs than to maintain the old AFDC system that did not require work? If this proves to be true, do you think it would be worth the cost? Explain.
4. Do you think that the nationwide welfare reform effort is generally too harsh on poor people, too lenient, or just about right? Give reasons for your answer.

D. **Small-Group Activity: Welfare Reform Policies**

Step 1. Tell students that today they are going to examine and debate the pros and cons of several welfare reform policies.

Step 2. Divide the class into four groups. Distribute **Handout G—Welfare Reform Policies** to each student. Assign each group one of the policies listed on the handout. Review the instructions on the handout.

Step 3. Allow each group time to prepare for the discussion.

Step 4. Have each group discuss its welfare reform policy while the rest of the class observes. During each group's discussion, designate a chair as a "hot seat," which any student **outside** the group may take to contribute his or her ideas to the discussion. This student must give up the "hot seat" when another student from outside the group wishes to participate.

Step 5. After each discussion, let the whole class vote on the policy.

Lesson 9: The Role of the Judiciary

OVERVIEW

In this lesson, students learn about the judiciary system. First, students read and discuss an introductory reading on the role, structure, and principles of the judiciary. Next, they read and discuss an activity reading on the independent judiciary. Finally, students role play voters deciding whether or not to recall judges.

OBJECTIVES

Students will be able to:

1. Explain the nature and importance of ordered liberty, the rule of law, equal protection, and due process.
2. Cite examples in U.S. history of the failure of the rule of law.
3. State a reasoned opinion on whether judicial review belongs in the American constitutional system.
4. Evaluate whether to retain or recall hypothetical judges.

STANDARDS ADDRESSED

National Civics Standards for High School

(18) Understands the role and importance of law in the American constitutional system and issues regarding the judicial protection of human rights

PREPARATION

In advance of the lesson, you might assign for review the key words for this lesson from **Handout Q.** You will also need a copy of **Handout H** for each group.

PROCEDURE

A. **Focus Discussion:** Hold a brief discussion by asking students: "Do you think judges and courts promote justice? Why or why not?"

B. **Introductory Reading and Discussion:** Ask students to read **The Role of the Judiciary** on page 41. Conduct a class discussion using the **Points of Inquiry** on page 43.

   1. What is the concept of ordered liberty? How does it protect the rights of citizens?
   2. What are some practices illustrating the central place of the rule of law in our constitutional system? What are some examples of events or practices in our history when the rule of law broke down? What are examples of judicial protections being denied to citizens?
   3. How does the legal system help preserve people's rights? Do you think Americans resort to lawsuits and the legal system too much instead of using other means like negotiation or mediation? Explain.
   4. Do you believe judicial review belongs as part of the American system of constitutional government? What are arguments against it? In favor of it? Which do you agree with? Why?
   5. What is equal protection of the law? What is due process of law? How are both of them crucial to the rule of law?

C. **Activity Reading and Discussion:** Ask students to read **Independent Judiciary** on page 43. Conduct a class discussion using the **Points of Inquiry** on page 44.

   1. Do you think it's important to have an independent judiciary? Why or why not?
   2. Describe some different methods used to select judges. Which do you think is best? Why?
   3. In most states, judges are on the ballot. What do you think voters should consider when voting for judges?

D. **Small-Group Activity: The Voters Decide**

Step 1. Tell students that today they are going to role play voters who must decide whether to **recall** or **retain** three judges.

Step 2. Divide the class into groups of two or three students. Distribute **Handout H—The Voters Decide** to each group. Review the instructions and answer any questions that students may have.

Step 3. Allow students time to complete the activity. When they finish, discuss each justice and vote as a class on each one.

Step 4. Debrief the activity by discussing this question: "What are valid reasons for voting to **recall** or **retain** judges? Why?"

Lesson 10: Setting the Public Agenda

OVERVIEW

In this lesson, students examine how the public agenda is set in America. First, students read and discuss an introductory reading on the public agenda. Then they read and discuss an activity reading examining how well the press performs its function in setting the public agenda. Next, in a homework assignment, students search for factual inaccuracies, logical errors, and emotional appeals in the political media.

OBJECTIVES

Students will be able to:

1. Explain "public agenda" and how it is shaped.
2. Express a reasoned opinion on how well the political media are doing at setting the public agenda.
3. Use criteria such as logical validity, factual accuracy, emotional appeal, and distorted evidence to analyze political communication.

STANDARDS ADDRESSED

National Civics Standards for High School

(19) Understands what is meant by "the public agenda," how it is set, and how it is influenced by public opinion and the media.

PREPARATION

In advance of the lesson, you might assign for review the key words for this lesson from **Handout Q**. You will also need a copy of **Handout I** for each student.

PROCEDURE

A. **Focus Discussion:** Ask students:

   1. What do you think are the most important issues facing America today?
   2. Do you think the media do a good job of addressing these issues?

   Hold a brief discussion of these questions.

B. **Introductory Reading and Discussion:** Ask students to read **Setting the Public Agenda** on page 45. Conduct a class discussion using the **Points of Inquiry** questions on page 46.

   1. What is the public agenda? How do political institutions and political parties shape it? How do the media influence it?
   2. Why do you think some issues that groups consider important do not become part of the public agenda?
   3. What is public opinion? How is it measured? How is it used in public debate? How can it be influenced by government and the media? How does it influence public policy and the behavior of public officials? What do you think the role of public opinion should be in a democracy?

C. **Activity Reading and Discussion:** Ask students to read **Are the Political Media Focusing on the Wrong Things?** on page 47. Conduct a class discussion using the **Points of Inquiry** questions on page 48.

   1. Many journalists argue that they do not give a negative slant to their political reporting; all they do is report reality. Do you agree or disagree with this view? Why?
   2. What do the news media and the public have a right to know about the personal lives of elected officials and political candidates? What do they not have a right to know? Explain your answer.
   3. Do you think the media are doing an adequate job in helping to set the public agenda? Explain.

D. **Homework Assignment:** Distribute **Handout I—Evaluating Political Arguments** to each student. Carefully review the assignment, answer any questions students may have, and assign a due date. After students turn in their assignments and you evaluate them, discuss with the class examples of each type of error that students found.

Lesson 11: Voting and Selecting Political Leaders

OVERVIEW

In this lesson, students explore ways that citizens select political leaders. First, students read and discuss an introductory reading on how American politics are shaped by the two-party system, campaigns, and elections. Next they read and discuss an activity reading about low voting rates and proposals for addressing the problem. Finally, students conduct a poll to determine political interest levels.

OBJECTIVES

Students will be able to:

1. Identify initiatives, recalls, and referendums
2. Explain the nature and development of American political parties.
3. Conduct an opinion poll and evaluate its results.

STANDARDS ADDRESSED

National Civics Standards for High School

(20) Understands the roles of political parties, campaigns, elections, and associations and groups in American politics

PREPARATION

In advance of the lesson, you might assign for review the key words for this lesson from **Handout Q**. You will also need a copy of **Handout J** for each student.

PROCEDURE

A. **Focus Discussion:** Ask students: "Are you planning to vote in the next election? Why or why not?" Hold a brief discussion.

B. **Introductory Reading and Discussion:** Ask students to read the **Voting and Selecting Political Leaders** on page 49. Hold a class discussion using the **Points of Inquiry** questions on page 50.

   1. How did the two-party system develop in the United States? What important role do third parties play in this system?
   2. How are American political parties different from those in many countries? How are they organized? What do they do? Why are political parties weaker today than in the past?
   3. How do political parties provide citizens with opportunities for participation? What are some ways that people can participate in the electoral process outside of party politics?
   4. What are initiatives and referendums?

C. **Activity Reading and Discussion:** Ask students to read **Why Don't People Vote?** on page 51. Hold a class discussion using the **Points of Inquiry** on page 52.

   1. Why don't people vote? List as many causes as you can for the decrease in voter turnout. What do you believe is the main cause?
   2. What do you think the consequences might be to American democracy if the trend of declining voter turnout continues into this century?
   3. Some people argue against increasing voter turnout because it would bring to the polls vast numbers of politically ignorant people. What do you think?

D. **Small-Group Activity: Political Interest Poll**

   This is an opinion survey. Before beginning, decide whether you want to have students poll other students or members of the community. If the answer is members of the community, change the last question on **Handout J** to "Do you ordinarily vote in elections?"

   Step 1. Inform students that they will be conducting an opinion poll.

   Step 2. Divide the class into pairs. Distribute **Handout J: Political Interest Poll** to each student. Have each pair of students conduct the survey on each other for practice.

   Step 3. Tabulate the results for the whole class and discuss them. (Record the results for future reference.)

   Step 4. Determine the best way for getting a random sample of the group you are surveying (students at the school or community members). For example, students might survey every fourth person in the lunch line.

   Step 5. Then have pairs of students conduct the survey on five people outside of class.

   Step 6. Have each pair of students report their results. Tabulate them and compare them to the class survey.

Step 7. Debrief the survey by asking:

- What surprised you about the results? What didn't surprise you?
- Would the results be different if you asked just adults? Other groups?
- Which survey questions are the most important? Why?

Lesson 12: Public Policy

OVERVIEW

In this lesson, students examine public policy. First, students read and discuss an introductory reading on public policy and its formulation. Then they read and discuss an activity reading on how the Supreme Court addressed the policy of racial gerrymandering of congressional districts, which was done to ensure the election of minority candidates. Next, in small groups students role play the U.S. Senate Judiciary Committee deciding whether states should be allowed to have at-large congressional districts.

OBJECTIVES

Students will be able to:

1. Explain what a public policy is, tell who makes it, and give an example of a process for making it.
2. Describe how and when citizens can influence the making of public policy.
3. Decide on a proposed policy and offer reasons for the decision.

STANDARDS ADDRESSED

National Civics Standards for High School

(21) Understands the formation and implementation of public policy

PREPARATION

In advance of the lesson, you might assign for review the key words for this lesson from **Handout Q**. You will also need a copy of **Handout K** for each student.

PROCEDURE

A. **Focus Discussion:** Hold a brief discussion by asking students the following questions:

   1. How are policies (rules, regulations) at your school set?
   2. How can they be changed?

B. **Introductory Reading and Discussion:** Ask students to read **Public Policy** on page 53. Conduct a class discussion using the **Points of Inquiry** questions on page 54.

   1. What is public policy? Give an example of one, tell which major groups are interested in it, and explain their positions.
   2. Who makes public policy? Give an example of a process for making it.
   3. How and when can citizens influence the making of public policy?
   4. Why might it be difficult for people to agree on some issues of public policy? Give a modern example of a highly controversial issue of public policy.

C. **Activity Reading and Discussion:** Ask students to read **Race and Representation** on page 55. Conduct a class discussion using the **Points of Inquiry** questions on page 57.

   1. What policy did the white voters in Georgia and North Carolina challenge in court?
   2. What was the goal of this policy? Do you agree with the goal? Explain.
   3. How did the U.S. Supreme Court affect this policy?
   4. Some people argue that it does not really matter if minority voters do not get to elect minority representatives. White representatives can do just as good a job representing the interests of minority voters. Do you agree or disagree with this argument? Why?
   5. Do you think voting districts that intentionally separate minority voters from white voters are similar to racially segregated parks, schools, and housing? Why or why not?

D. **Small-Group Activity: Should At-Large Congressional Districts Be Allowed?**

   Step 1. Divide the class into groups of three to five students.

Step 2. Distribute **Handout K—Should At-Large Congressional Districts Be Allowed?** to each student. Review the handout and its assignment and answer any questions students may have.

Step 3. When groups are ready, call on them to report on what they decided and why. After students have discussed the issue, vote as a class on the bill.

Lesson 13: America's Foreign Policy

OVERVIEW

In this lesson, students examine American foreign policy. First, students read and discuss an introductory reading on foreign policy. Then they read and discuss an activity reading on when the United States should intervene militarily. Next, students role play members of the National Security Council advising the president whether to intervene militarily in two hypothetical situations.

OBJECTIVES

Students will be able to:

1. Summarize the basic changes in U.S. foreign policy from the nation's founding to the present.
2. Explain the role of the three branches of government in creating American foreign policy.
3. Apply the criterion of national interest to hypothetical situations.

STANDARDS ADDRESSED

National Civics Standards for High School

(22) Understands how the world is organized politically into nation-states, how nation-states interact with one another, and issues surrounding U.S. foreign policy.

PREPARATION

In advance of the lesson, you might assign for review the key words for this lesson from **Handout Q.** You will also need a copy of **Handout L** for each student.

PROCEDURE

A. **Focus Discussion:** Ask students: "Do you think America should be more concerned with foreign affairs or with what goes on within our own borders? Explain."

B. **Introductory Reading and Discussion:** Ask students to read **America's Foreign Policy** on page 58. Conduct a class discussion using the **Points of Inquiry** questions on page 59.

1. What is foreign policy? How would you characterize American foreign policy during most of the 19th century? At the beginning of the 20th century? Following World War II? Today? What do you think accounts for the differences?
2. What role do the three branches of government have in creating American foreign policy? What tensions sometimes arise between the branches over foreign policy? Who else influences foreign policy?
3. What principles and values have helped shape American foreign policy?

C. **Activity Reading and Discussion:** Ask students to read **Military Intervention** on page 60. Conduct a class discussion using the **Points of Inquiry** questions on page 61.

1. How do you think domestic politics might impose restraints or obligations in the way the United States acts in the world?
2. In each of the situations described, what might be some reasons *against* intervening? What reasons were there *for* intervening?
3. What do you think are vital national interests of the United States? Why?
4. When do you think it is justified for the United States to use military force? Explain.
5. Do you think the United States should ever use military force unilaterally? Explain.

D. **Small-Group Activity: Crisis!**

Step 1. Divide the class into groups of three or four students.

Step 2. Distribute **Handout L—Crisis! Should the United States Intervene Militarily?** to each student. Review the handout's assignment, answer any questions, and tell students how much time they have.

Step 3. Call on a group to report on what it decided to do about Country A and why. Ask if other groups agreed or disagreed with this group and why. Hold a class discussion.

Step 4. Repeat this process for Country B.

Step 5. Debrief the activity by asking under what circumstances they believe it is proper for the United States to intervene militarily in the world.

Lesson 14: America and New Global Realities

OVERVIEW

In this lesson, students examine America's role in the international community. First, students read and discuss an introductory reading on the subject. Next, students read and discuss an activity reading on the World Trade Organization. Then, in a writing activity, students state a reasoned position on whether the United States should be a member of the World Trade Organization.

OBJECTIVES

Students will be able to:

1. Cite examples of how the world is tied together politically, economically, technologically, culturally, and environmentally.
2. Explain and give an example of an international NGO and IGO.
3. State a reasoned opinion on whether the United States should belong to the WTO.

STANDARDS ADDRESSED

National Civics Standards for High School

(22) Understands how the world is organized politically into nation-states, how nation-states interact with one another, and issues surrounding U.S. foreign policy

(23) Understands the impact of significant political and nonpolitical developments on the United States and other nations

PREPARATION

In advance of the lesson, you might assign for review the key words for this lesson from **Handout Q**.

PROCEDURE

A. **Focus Discussion:** Hold a brief discussion with students by asking: "How is your daily life affected by what goes on in the rest of the world? How does what you do on a daily basis affect other parts of the world?"

B. **Introductory Reading and Discussion:** Ask students to read **America and New Global Realities** on page 62. Hold a class discussion using the **Points of Inquiry** on page 63.

1. What major American economic, technological, and cultural changes have affected the world? How have they affected it? In turn, what economic, technological, and cultural changes from other nations have affected America? How?
2. How is the world tied together politically and environmentally? How can political or environmental events in the world affect the United States? How can those in the United States affect the world?
3. There are many international NGOs and IGOs. Give an example of each and explain what each does.

C. **Activity Reading and Discussion:** Ask students to read **The World Trade Organization** on page 64. Conduct a class discussion using the **Points of Inquiry** questions on page 65.

1. What is the World Trade Organization? Why was it created?
2. What are tariffs and trade barriers? Do you think they are ever justified? Explain.
3. What are some concerns that people have about the World Trade Organization? Do you agree with them?
4. What are some arguments against the United States belonging to the World Trade Organization? What are some arguments in favor of it?

D. **Writing Activity: Should the U.S. Belong to the WTO?**

Step 1. Ask students to imagine they are advisors to the president. The president has asked their advice on whether the United States should belong to the World Trade Organization.

Step 2. Tell students to write as homework a short essay. Tell them that their essay should state a conclusion on this question and support it with reasons. If necessary, allow students time to research more information for their essays. Constitutional Rights Foundation's web site has links to more information on this subject. Tell students to go to **www.crf-usa.org**, click on Links, click on *The Challenge of Governance* Links, and click on America and New Global Realities.

Lesson 15: Citizenship and Rights

OVERVIEW

In this lesson, students examine citizenship and the rights of citizens. First, students read and discuss an introductory reading on citizenship and rights. Then they read and discuss an activity reading covering the issue of whether illegal immigrants should be denied public benefits. Next, in small groups students role play a city council deciding whether non-citizens should be allowed to vote in local elections.

OBJECTIVES

Students will be able to:

1. Explain the two ways people can become American citizens.
2. Describe how political and economic rights reinforce each other and how they sometimes conflict.
3. Express reasoned opinions on whether illegal aliens should be denied public benefits and whether non-citizens should be allowed to vote in local elections.

STANDARDS ADDRESSED

National Civics Standards for High School

(24) Understands the meaning of citizenship in the United States, and knows the requirements for citizenship and naturalization

(25) Understands issues regarding personal, political, and economic rights

(26) Understands issues regarding the proper scope and limits of rights and the relationships among personal, political, and economic rights

PREPARATION

In advance of the lesson, you might assign for review the key words for this lesson from **Handout Q.** You will also need a copy of **Handout M** for each student.

PROCEDURE

A. **Focus Discussion:** Hold a brief discussion by asking students: "What rights do you think are most important? What would life be like without these rights?"

B. **Introductory Reading and Discussion:** Ask students to read **Citizenship and Rights** on page 66. Conduct a class discussion using the **Points of Inquiry** questions on page 67.

   1. What are the two ways people can become American citizens?
   2. What does a person who is not a citizen have to do to become a citizen? Do you think these requirements are fair and reasonable? Explain.
   3. What are some personal rights that Americans have? Political rights? Economic rights? How do these rights reinforce each other? How might these rights conflict?
   4. What rights do non-citizens have? Do you think they should have these rights? Explain.

C. **Activity Reading and Discussion:** Ask students to read **Should Illegal Immigrants Be Denied Public Benefits?** on page 68. Conduct a class discussion using the **Points of Inquiry** questions on page 69.

   1. What was the purpose of Proposition 187? What does it require?
   2. What was the *Plyler* decision? Do you agree with it? Explain.
   3. How did Judge Pfaelzer rule on Proposition 187? Do you agree? Explain.

D. **Small-Group Activity: Should Non-Citizens Be Permitted to Vote?**

   Step 1. Divide the class into groups of three to five students.

   Step 2. Distribute **Handout M—Should Non-Citizens Be Permitted to Vote?** to each student. Review the handout and its assignment and answer any questions students may have.

   Step 3. When groups are ready, call on them to report on what they decided and why. If any group amended the ordinance, write the amendment on the board. After students have discussed the issue, vote as a class on the ordinance and on any amendments to it.

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Lesson 16: Civic Participation and Responsibility

OVERVIEW

In this lesson, students explore how citizens can participate in civic life. First, they read an introductory reading on civic responsibility and civic participation. Next, they read and discuss an activity reading on types of civic participation. Finally, they plan and implement an action project.

OBJECTIVES

Students will be able to:

1. Identify elements of good citizenship and methods of civic participation.
2. Identify character traits that contribute to civic responsibility.
3. Understand how civic participation can fulfill individual and community goals.
4. Plan, implement, and evaluate a service project.

STANDARDS ADDRESSED

National Civics Standards for High School

(27) Understands how certain character traits enhance citizens' ability to fulfill personal and civic responsibilities

(28) Understands how participation in civic and political life can help citizens attain individual and public goals

(29) Understands the importance of political leadership, public service, and a knowledgeable citizenry in American constitutional democracy

PREPARATION

In advance of the lesson, you might assign for review the key words for this lesson from **Handout Q**. You will also need copies of **Handout N**, **Handout O**, and **Handout P** for each student. You may also want to decide in advance:

(1) How much class time can students spend on a project?

(2) Will you limit the project to school or can students do a project that requires them to go off-site?

(3) Will the whole class do one project or will separate groups do different projects?

(4) Will you decide on a project in advance and guide the students to choose that project, will you give the students several projects to choose from, or will you let the students design a project for themselves? **Note:** The more decisions students make themselves, the greater their buy-in to the project.

PROCEDURE

A. **Focus Discussion:** Ask students: "Do you think Americans take enough responsibility for solving problems in their own communities? Why or why not?" Hold a brief discussion.

B. **Introductory Reading and Discussion:** Ask students to read **Civic Participation and Responsibility** on page 70. Conduct a class discussion using the **Points of Inquiry** questions on page 71.

1. What are some basic personal responsibilities? How can society benefit by people taking care of their personal responsibilities? What are some different civic responsibilities? How are they important? What character traits promote personal and civic responsibility?
2. How might moral considerations or constitutional principles force a person to refuse their civic responsibilities? How might tension arise between a person's personal and civic responsibilities?
3. What are different opportunities for individuals to engage in public service? How do you think students can exercise leadership in public service?
4. What is the difference between taking political action and non-political volunteering to help the community? Give an example of each. Why are they both important?
5. What are some current and historical examples of citizen movements in America? Explain what each was trying to achieve.
6. Why do you think it is important for individuals in a democracy to know about American constitutional democracy and the workings of government?

C. **Activity Reading and Discussion:** Ask students to read **Getting Involved** on page 71. Conduct a class discussion using the **Points of Inquiry** questions on page 72.

1. What are the three basic ways of getting involved in your community? Which do you think is most effective? Why?
2. The anthropologist Margaret Mead once said: "Never doubt that a small group of thoughtful, committed people can change the world. Indeed, it is the only thing that ever has." What does this mean? Do you agree with it? Explain.

D. **Class Activity: Planning and Implementing an Action Project**

Explain to your class that they are going to plan and complete an action project to address a problem in their school or community. (You may want to assign students to keep individual journals about the project. This will aid your individual evaluation of the students.) Distribute **Handout N–Seven Steps for an Action Project** and review each step. Answer any questions students may have. Use the handout to help students plan and implement an action project.

Step 1: Select a Problem. Ask students to brainstorm a list of problems that apply to their own school or community. Have students meet in small groups and select the three problems they think are most important. To help students decide, have them discuss the questions listed under Step 1 on the handout. Get a class consensus on the problem that students want to work on.

Step 2: Research the Problem. Your students' research will depend on what problem they select and what they need to find out. In general, they should look for answers to the four questions listed under Step 2 on the handout. Students should also be looking for ideas for action projects.

Step 3: Find and Analyze Policies Related to the Problem. Have students contact local officials and ask about policies. Distribute **Handout O–Seven Questions About Policy** to each student. Hold a class discussion using this handout to analyze a policy that students have found.

Step 4: Decide on an Action Project. Divide the class into small groups. Have each group think of at least three project ideas that would address the problem they have chosen and then select the most suitable one. Have each group present their plan to the class. (If the class is doing one project, students should discuss and decide on the project.)

Step 5: Plan the Project. Distribute **Handout P–Project Planning** to members of the class for them to base their project plans on. If small groups are doing different projects, have each group submit a completed project plan. If the whole class is doing the same project, you can plan the project as a whole group or you can assign a committee to submit a project plan for the whole class to review.

Step 6: Do the Project. If the whole class is doing the project, tasks may be divided among committees with a project coordinating committee overseeing the entire project.

Step 7: Evaluate the Project. Do a formal evaluation of the project's success using the evaluation plan students created in their project plan. Also have students evaluate how well they planned, how well they worked as a team, and what they learned from the project.

Handout A

Evaluating Constitutions

Many new democracies have emerged in recent years—each with a new constitution, many with provisions different from the U.S. Constitution. Below are several provisions taken from the constitutions of emerging democracies. In your group, read and discuss each of the provisions. For each provision, answer the following questions and be prepared to report your answers to the class:

1. Why do you think the country has this provision (or these provisions) in its constitution?
2. Do you think this provision conflicts with or supports the basic principles of a constitutional government? Why? (See page 6 for a listing of these principles.)
3. How is this provision different from the U.S. Constitution or U.S. practices? Which do you think is better? Why?

PROVISION #1

Argentina's constitution declares that the Roman Catholic Church is the nation's official religion. This means that Catholic priests preside over many state functions and that religion is taught in the public schools. (It does not mean that everyone must be a Catholic because the constitution also declares that all people in Argentina have a right to practice their own religion.)

PROVISION #2

South Africa's constitution calls for proportional representation in the two houses of the national legislature. Instead of a single winner in a small district, the South African system creates large districts that have many representatives. Each party runs slates of candidates in each district. Citizens vote for the party of their choice. For example, a district may have 10 representatives. In a district with 10 representatives, a party would need about 10 percent of the vote for each seat. If a party got 30 percent, then the top three candidates from its party slate would win election as representatives.

PROVISION #3

One of the most striking provisions in both the new South African and the Russian constitutions is their list of rights. Both constitutions contain long lists of rights. They have almost all of the rights in the U.S. Constitution and many more in much greater detail. For example, the U.S. Constitution says everyone is entitled to due process of law. The Russian constitution spells out in detail due process rights like: "The defendant shall not be obliged to prove his or her innocence." As another example, the U.S. Constitution never mentions the word privacy, although many people interpret a right to privacy from the protection from unreasonable searches in the Fourth Amendment. The Russian constitution spends paragraphs detailing exactly what rights to privacy a person has. The same is true for property rights.

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Handout B

Burning the Flag

Background. As part of a peaceful political demonstration outside the 1984 Republican National Convention in Dallas, a protester burned an American flag. The protester was arrested and convicted for violating a Texas law against desecrating a "venerated object," in this case the flag. The protester appealed his conviction. In 1989 in *Texas v. Johnson*, the U.S. Supreme Court ruled 5-4 that the protester was engaged in expressive speech protected by the First Amendment. It therefore overturned his conviction. Since that time, several attempts have been made to amend the Constitution to prohibit flag burning.

Proposed Amendment. The following amendment has been proposed: **Congress and the States shall have power to prohibit the physical desecration of the flag of the United States.**

Your Assignment. You are a congressional committee discussing and voting on the proposed flag amendment. Do the following:

1. Read and discuss the proposed amendment and the arguments supporting and opposing the amendment.
2. Vote on whether you think this amendment should be passed on to the floor of Congress for a vote. (This is essentially a vote on whether you favor or oppose the amendment.)
3. Be prepared to discuss your decision and reasons for it with the rest of the class.

Arguments Supporting the Amendment. The flag is the one sacred symbol that unites us as a nation. It does not stand for any political party or issue: It stands for all America and all Americans. Soldiers have died leading their units into battle carrying the flag. They considered it an honor worth dying for. Before the Supreme Court's decision, the federal government and almost every state outlawed desecrating the flag. These laws did not stop people from criticizing the United States in the strongest terms possible. There are countless ways other than burning the flag to do this. Someone could burn the Constitution, burn a politician in effigy, speak out in disgust over the government or the United States, and on and on. Adopting this amendment will not harm a person's right to free speech. States and the federal government should have the right to make burning the flag against the law.

Arguments Opposing the Amendment. This amendment to outlaw flag burning will violate one of the basic principles of the First Amendment: Government may not ban the expression of an idea simply because society finds the idea offensive. This amendment would be the only amendment ever to limit the First Amendment, our most basic freedom. Moreover, the amendment is unnecessary. Flag burnings rarely take place. Existing laws against vandalism, arson, and inciting a riot cover most incidents of flag burning. Further, the meaning of flag desecration is unclear. Might it be against the law to wear clothing or hats that have representations of the flag? To protect our basic freedom and the First Amendment, the proposed amendment should be voted down.

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Handout C

Should We Replace the Electoral College?

Imagine that you have been appointed to a presidential commission. The commission is to make recommendations on whether the electoral college should be replaced and, if so, what should replace it. Read and discuss the arguments for and against the electoral college and then discuss and decide on one of the options listed below. (Most of these options will require a constitutional amendment.) Be prepared to report on the reasons for your decision.

Arguments Against the Electoral College. First, it allows a president to be elected who does not win the popular vote. This has occurred at least three times (in 1876, 1888, and 2000). Second, deadlocks can happen. A third-party candidate or a close election can prevent any candidate from getting a majority. When no one captures a majority of the electoral votes, the House of Representatives decides who is president. This has occurred twice in our history (in 1800 and 1824). One study has shown it has almost happened 22 times. Third, because every state gets at least three electoral votes regardless of the state's population, voters in small states have more power than those in large states. Fourth, each state's electoral vote does not depend on the number of voters casting ballots. States with the same number of electoral votes may have far different turnouts on election day. Fifth, the electoral college may hold down voter turnout. If opinion polls show one candidate far ahead in a state, voters in that state who prefer another candidate may not vote. In fact, candidates often don't campaign in states where the other candidate holds a substantial lead.

Arguments in Favor of the Electoral College. First, the electoral college represents our federal system, with its emphasis on the states and their representatives. Second, the electoral college is not archaic and undemocratic. We have two senators from every state regardless of the state's population. We don't consider that archaic or undemocratic. Third, it allows every state to participate and have a voice, including the small states. These states might be overlooked if the election depended solely on candidates seeking the most votes. Fourth, it prevents sectionalism by requiring a winning candidate to have support distributed throughout the country. Fifth, it has contributed to political stability by promoting the two-party system, which encourages the major parties to represent a wide range of interests. Sixth, it strengthens the power of minority groups, which can play a powerful role in deciding the outcome of close elections in states.

Option #1: Popular vote. Decide the presidency based on the candidate who receives the highest total popular vote.

Option #2: Majority Popular Vote. Decide the presidency based on the candidate who receives a majority of the popular vote. If no candidate receives a majority, then a run-off election between the two highest vote-getters would take place.

Option #3: District Electoral Vote. Each state gets electoral votes based on its number of congressional representatives plus its two U.S. senators. The district electoral vote gives one electoral vote to the winner in each congressional district, and the overall winner in the state gets two electoral votes. This system is already used in two states (Maine and Nebraska). If every state were required to use it, a constitutional amendment would be necessary. But your commission could also simply recommend that each state adopt this system.

Option #4: Retain the Electoral College.

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Handout D

To Serve or Not To Serve

You are members of a special presidential commission on compulsory national service. Your commission is supposed to recommend to the president whether a compulsory national service program should be set up and, if so, what kind of program it should be. Below are several options. As a group, do the following:

1. Discuss each option. Think of each one's pros and cons. How would it affect the nation? What effect would it have on young people? What penalties would there be for young people who refused to participate in a compulsory service program? You might want to refer to the reading **National Service** for additional information.
2. Decide on what to recommend to the president. It may be one of the options or an option you create.
3. Prepare to report your decision and the reasons for your decision.

Option 1: Mandatory Social Service. This would require every person at age 18 to give one year of service in a social service agency. The only exemptions from this requirement would be for reasons of health or for those volunteering to serve in the military. Those serving would receive a stipend covering living expenses.

Option 2: Mandatory Military or Social Service. This would do away with the all-volunteer army. Every young person would have a choice of serving two years in the military or in a social service agency.

Option 3: Extend the Benefits of the AmeriCorps Program. This would not mandate any service, but it would increase the benefits of those serving in AmeriCorps and thus encourage more young people to serve in AmeriCorps. The current AmeriCorps program provides, among other things, about $5,000 in college-tuition money for those members who complete a year of service. This option would pay members completing a year of service two years of college tuition or $8,000 toward college expenses (whichever is greater). Members could pay for four years of tuition by completing two years of service.

Option 4: Require No Service. This would keep things as they are now. No person would be required to perform national service in peacetime.

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Handout 3

Is It a Taking?

Background. The Fifth Amendment to the U.S. Constitution declares that government may not take private property "for public use without just compensation." This means that the government must pay fair market value for any private property it takes. For example, if the government wants to build a hospital on your land, it can use its power of eminent domain to take possession of your land. But it must provide you with just compensation.

In recent years, a new property-rights movement has emerged. This movement has challenged many government regulations as takings of private property. Zoning, environmental, and other governmental restrictions have been challenged. As long ago as 1922, the U.S. Supreme Court in *Pennsylvania Coal Co. v. Mahon* ruled that the Fifth Amendment was not limited to physical takings of property. It held that if a government regulation went too far in restricting an owner's use of property, it amounted to a taking. Four years later, the court upheld zoning regulations as constitutional. In recent years in response to various challenges, the court has stated that a land-use regulation is a taking if it:

(1) "does not substantially advance legitimate [government] interests," or

(2) "denies an owner economically viable use of his land."

Using this two-part test, the court has ruled that it was a taking when a coastal protection ordinance prevented an owner from building on his two lots and thus made his property worthless.

Assignment. As a group, read and discuss each of cases below. Decide if you think it is a taking and why. Prepare to report your decisions and your reasons for them.

Case 1: Rent Control. To make housing more affordable, the city of Santa Elenor enacted a rent-control law. It limits increases in rent to inflation. If, for example, inflation raises prices 4 percent in a year, then landlords can increase their rents by 4 percent. Otherwise, the law prevents apartment owners from raising rents except when tenants voluntarily vacate units. An owner of 300 apartment units has sued the city demanding just compensation for what he calls a taking. He says the fair market value of most of his units is far higher than the law lets him charge. He says he is being ruined financially.

Case 2: Billboard Ban. To preserve scenic beauty and to facilitate public safety by removing distractions to drivers, Phelps County has enacted a ban on roadside billboards. Existing billboards must be removed within five years. A ranch owner whose property borders many miles of open highway has sued the county. She says that her property has lost significant value because she cannot get revenue from billboards. She considers this a taking and demands just compensation.

Case 3: Park Requirements. To make sure there is sufficient park land, Lynnhaven County has enacted an ordinance requiring that all developers of large tracts of residential housing reserve 20 percent of the land for parks. A developer has challenged this law, claiming it is a taking without just compensation. The developer says that he is losing a substantial amount of money by setting aside land for parks instead of building houses on them.

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Council of Economic Advisors

Imagine that you are members of the Council of Economic Advisors. You must give advice to the president on three proposals for replacing the current federal graduated income tax. As a group, do the following:

1. Read and discuss each proposal carefully. Assume that each plan, according to the best estimates, will generate the same tax revenue as the current tax. Consider each plan in terms of fairness, ease of use, popular appeal, and enforceability. Refer to the reading **Tax Debates** for more information on each plan.
2. Decide on the plan you favor. Discuss the reasons you favor one plan over all the others.
3. Be prepared to discuss your decisions and the reasons for them.

NATIONAL SALES TAX

This would impose a 25-percent sales tax on all products and services. Taxes will be charged to the consumer at the retail level. Food would be exempt from the sales tax.

THE FLAT TAX

Taxpayers would pay a single tax rate of 17 percent on their income, regardless of the income level. It would abolish all existing tax deductions. It would also establish a minimum taxable income of $23,000 with a family deduction of $3,500 per child. For example, a family with two children would not be taxed on the first $30,000 of income (23,000 minimum income + $3,500/child + $3,500/child = $30,000).

VALUE-ADDED TAX

This would place a multi-level tax on the production and distribution of manufactured goods and services. The tax would be charged to the businesses that manufacture goods, distribute them, and provide services. The businesses would then raise the price of goods and services to cover the cost of the tax, passing the expense on to the consumer. It would add about 25 percent to the cost of all items taxed.

NONE OF THE ABOVE

Keep the graduated income tax.

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Handout G

Welfare Reform Policies

Many issues remain unresolved or controversial under welfare reform. Below are four such issues with "Yes" and "No" positions briefly stated. As a group, do the following:

1. Read and discuss the policy issue that has been assigned to you.
2. Your group is going to discuss this policy in front of the rest of the class. Prepare a number of questions to help the discussion proceed. Each student in your group should prepare to take a position on your policy.
3. Choose a spokesperson. The spokesperson should introduce your policy by explaining what it is about to the rest of the class.
4. Discuss your welfare reform policy in front of the class. *All members of the group should contribute to the discussion at least once.*

Policy #1: Should there be a lifetime limit of five years on all welfare benefits?

No: Some parents and their children may need more than five years of benefits to make the transition from welfare to work.

Yes: Limits will prevent people from staying on welfare too long.

Policy #2: Should able-bodied adults without dependent children and who work less than 20 hours a week be limited to three months of food stamps in any three-year period?

No: This limitation would affect persons with no income other than food stamps who often take longer to find work because they have few employable skills or have physical or mental disabilities.

Yes: This limit is needed to motivate able-bodied adults to get a job.

Policy #3: Should it be harder for children with certain disabilities to qualify for SSI benefits?

No: An estimated 315,000 children with learning disabilities and behavior problems such as attention deficit disorder will lose their SSI benefits under stricter eligibility standards.

Yes: Many of these children are not seriously impaired; some parents were coaching their children to fake disabilities in order to collect SSI.

Policy #4: Should welfare recipients who are assigned to community-service work be paid minimum wage or better?

Yes: Community-service workers deserve to be paid according to the same rules that apply to workers in private employment, as required by U.S. labor law.

No: Hard-to-employ persons placed in community-service jobs are being adequately compensated by learning job skills while also collecting welfare benefits. Minimum-wage pay for such jobs increases the cost of welfare reform in each state.

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Handout H

The Voters Decide

Below are descriptions of three judges who are subjects of recall elections. You are voters who have the opportunity to vote to **recall** or **retain** these judges. As a group, discuss and vote on each judge. Prepare to report reasons for your decision on each judge to the whole class.

MAGNOLIA FISH

Justice Fish worked as a public defender for 13 years before she was appointed chief justice of the state supreme court by the governor. Chief Justice Fish was retained by a slim margin (51.7 of the vote) after her first term on the appellate court. In the same election, voters passed a death-penalty initiative by an overwhelming margin. In the next three years, 39 defendants were sentenced to death. In each case, Justice Fish voted to overturn the sentence. A majority of the other judges joined Justice Fish to overturn 29 death sentences but in 10 of these capital-punishment cases, Justice Fish stood alone.

recall **retain**

reasons:_____

_____

GEORGE ROWAN

Justice Rowan is a well-respected judge recently appointed to the state supreme court. Before his appointment, Justice Rowan resigned as a board member of the National Rifle Association (NRA). One year later, the state supreme court struck down a state law requiring a two-week waiting period for all firearms purchased at gun shows. The court ruled 4–3 that the law violated an individual's constitutional right to bear arms. Gun control groups are demanding that Justice Rowan be recalled, claiming that his vote to strike down the law reflected a conflict of interest between his role as a state supreme court judge and a former board member of the NRA. Others say that judges should not be recalled simply because they must make decisions on issues that involve their personal beliefs or attitudes.

recall **retain**

reasons:_____

_____

CAROL JOYCE

Just months after Judge Joyce was appointed as a trial judge, she presided over an environmental group's lawsuit against a land development corporation. Judge Joyce dismissed the case before trial, finding no merit in the group's lawsuit. Soon after, the environmental group discovered that Judge Joyce was a stockholder in the land development corporation. Judge Joyce was censured by the state judicial board, and the case was appealed, reversed, and retried before another judge.

recall **retain**

reasons:_____

_____

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Evaluating Political Arguments

When evaluating political statements and arguments (whether they are in advertising, the media, or conversations), it's important to be able to spot factual and logical errors. Below is a list of some of the most common errors.

Your assignment is: Find examples of four of these errors. You can look for the errors in newspaper editorials, political cartoons, political magazines, news programs, interview programs, or political advertising. For each of the items you find, do the following:

1. Write down the error on a sheet of paper.
2. Tell where the error came from, who made it, and the date, time, name, and channel of the broadcast program or the date, name, and page number of the newspaper or magazine it appeared in.
3. Tell what type of error it is and explain why it is an example of this error.

Look For . . .

Factual Inaccuracies. Look to see if the facts are right. Watch out for:

- **Factual errors.** Did someone actually say that? Did that really happen? Did it happen in the way it was described? Factual errors occur all the time. They can be difficult to detect because sometimes they are repeated over and over, and many people believe they are true.
- **Distorted evidence.** Is someone only telling part of the story? Does a quote reflect what the person said or does it distort the truth?

Logical errors. If an argument is logically invalid, it can be factually correct and still fallacious. For example: "All communists believe in free health care. Jones believes in free health care. Therefore he is a communist." The conclusion does not logically follow from the premises. Check to make sure arguments are logically consistent. There are many types of logical fallacies. Here are a few common ones:

- **Post hoc ergo propter hoc.** This is Latin for "after this therefore because of this." This fallacy concludes that X caused Y simply because X happened before Y. For example, "We enacted a curfew and crime went down." This statement alone does not prove the curfew caused crime to go down. More proof is needed.
- **Slippery slope.** This fallacy argues against taking a certain step because it will eventually lead to disaster. "If a curfew passes, next they'll make it earlier, then they'll only allow young people out with adults, then they'll stop adults from going out, and we'll have a police state." Without proof that these things will happen, this statement is illogical.
- **False dilemma.** "Either we pass a curfew or juvenile crime will soar." Always ask whether these are the only alternatives. Rarely are there just two. Posing a false dilemma does not prove the need for a curfew or any other policy.

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Evaluating Political Arguments

Emotional Appeals. If an argument, instead of offering evidence, simply appeals to people's emotions or to their biases and prejudices, it is mere propaganda. Below are seven basic propaganda techniques:

- **Glittering generality.** This tries to associate the policy or politician with some positive idea or feeling: "motherhood," "the flag," "apple pie," "freedom," "truth," "justice," "the American way."
- **Bandwagon.** This asks you to join with the crowd. Support X because a lot of other people support X.
- **Name calling.** This tags the opponent and the opponent's ideas with negative names. Personal attacks divert attention from the issue at hand: Is the policy a good one or not?
- **Card stacking.** This is a one-sided argument. It only presents favorable information and withholds any unfavorable information or arguments.
- **Transfer.** This tries to establish guilt or praise by association. "The politician is no good: She hangs out with known criminals."
- **Plain folks.** This tries to portray the individual or organization as just being ordinary people—probably from humble origins. "He was born in a log cabin."
- **Testimonial.** This is an appeal to false authority. Experts provide important, relevant information. But they must be experts. If an environmental expert says the river is polluted, that is relevant information. But a movie star's opinion on river pollution is not an expert opinion.

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Handout J

Political Interest Poll

The purpose of this survey is to determine the level of people's interest in the electoral process. There are two steps to conducting this survey:

Step 1: Select the people you want to survey. Students? Teachers? People of all ages? Other groups? You don't have to ask every student to learn people's attitudes. Take a random sample. For example, surveying every fifth student in line at the cafeteria would give you a random sample of students.

Step 2: Conduct the survey. Be sure to explain the purpose of the survey. Tell people they do not have to give their names. Be polite. People who answer your survey are doing you a favor.

SURVEY QUESTIONS

1. Do you think that democracy is the best method of governing a state or nation?

   Yes No Don't know

2. Do you think the outcome of elections have any effect on how our nation is run?

   Yes No Don't know

3. Do you think that it is possible to influence the way people vote through political discussions?

   Yes No Don't know

4. Do you know of at least one political candidate who speaks for your beliefs and needs?

   Yes No Don't know

5. At election time, do you talk about political candidates with others?

   Often Sometimes Not at all

6. Do you think enough Americans vote in national elections?

   Yes No Don't know

7. Do you think that more Americans would participate in elections if voter registration were easier?

   Yes No Don't know

8. Do you plan to vote in political elections after you turn 18?

   Yes No Don't know

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Should At-Large Congressional Districts Be Allowed?

Background. In 1967, Congress passed a law outlawing any state from holding at-large elections for Congress. This was to prevent the white majority in Southern states from electing all the representatives for the state. Since that time, many African Americans have been elected to Congress from the South. The Department of Justice, under the Voting Rights Act, promoted the creation of majority-minority districts. As you have read, the U.S. Supreme Court has struck down these districts in North Carolina and Georgia as violating the equal protection clause of the 14th Amendment.

In recent years, some voting-rights advocates have proposed cumulative-voting plans to increase minority representation. For example, Georgia has 11 members of Congress. Under cumulative voting, Georgia would not have congressional districts. Instead, each of the 11 members of Congress from Georgia would represent all of Georgia in at-large districts. Each voter would cast 11 votes. A voter could vote for 11 different candidates, cast all 11 votes for one candidate, or divide the 11 votes among several candidates. The 11 candidates who got the most votes would win election to Congress. For example, if 30 candidates ran, the 11 candidates with the most votes would win.

Cumulative voting, say advocates, would increase minority representation. But federal law bans at-large congressional districts. Advocates have proposed changing this law to allow for cumulative voting plans.

Assignment. Imagine that you are member of the Senate Judiciary Committee. A bill has been proposed to allow at-large districts. This would mean that Southern states could, with Justice Department approval under the Voting Rights Act, enact cumulative-voting plans. As a group role playing the judiciary committee, do the following:

(1) read and discuss the arguments supporting and opposing this bill,

(2) vote on whether to pass or defeat the bill, and

(3) be prepared to report on your vote and your reasons for it.

Arguments Supporting the Bill. Cumulative voting should be allowed. First, it is race-neutral and therefore clearly constitutional. Second, it would give fairer representation to minorities, because people with intense feelings could concentrate their votes. Third, it gives a greater choice to voters, and no one will feel that his or her vote is wasted. Fourth, this system is not confusing or un-American and is currently being used successfully in more than 50 local jurisdictions in the country.

Arguments Opposing the Bill. Cumulative voting would have negative consequences. First, it is based on the erroneous assumption that minority candidates can best represent minorities. This is divisive and damaging to the country. Second, the system is too confusing and more open to corruption. Representatives would represent many times more people than they do now. It would make it almost impossible for contact between constituents and representatives. Only lobbyists would have access. Third, it would tend to make the representatives more radical, because if they can appeal to some vocal minority, they might get elected.

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Crisis! Should the United States Intervene Militarily?

You are members of the National Security Council. You advise the U.S. president on matters of national security. The president has asked for your advice on whether the United States should intervene militarily in the following situations. For each situation, you should do the following:

1. Discuss reasons for intervening and reasons against intervening.
2. Decide whether to intervene.
3. Assign different members of your group to report your decision in each situation and the reasons for your decision.

Country A: This is a small country in the Caribbean. Its economy depends on tourism. For many years, dictators ruled it. In 1990, the country became democratic and held its first elections. Unfortunately, in recent years, tourism has declined dramatically, causing an economic crisis in the country. In recent weeks, a military coup took place. Protests have taken place, and disorder reigns in the streets. The military leaders have threatened to nationalize the tourist industry, jeopardizing privately owned American investments. A small contingent of American medical students live on the island. Their safety is in question. The Organization of East Caribbean States has called on the United States to intervene militarily and restore order.

Country B: This is a poor African country near the equator. Two major ethnic groups live in the country and have a long history of not getting along. When the country became independent in the 1960s, a dictatorship began. Its leader favored members of one ethnic group over the other. Many members of the oppressed group left the country and lived as refugees. In 1990, an army of these refugees invaded and forced the dictator to allow refugees to return and share power in the government. The two groups lived in peace, but tension remained high. Recently, extremists overthrew the government. They want to rid the country of all members of the oppressed ethnic group by killing them. Their carefully planned extermination has begun. If this army is not stopped, more than 1 million persons will die. This would be one of the largest genocides since World War II. A United Nations resolution has condemned the killing, but the United Nations has no armed force prepared to enter to the country. No neighboring country has the ability to intervene. Members of the fallen government have called on the United States to intervene militarily. The United States has no alliance with this country or with any countries bordering it. But several countries that have harbored refugees have offered the United States the use of their airports and facilities. No U.S. military force is nearby.

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Should Non-Citizens Be Permitted to Vote?

You are members of the Centerville City Council. Centerville is a mid-size city with about 100,000 residents of voting age. One-fifth of these residents, however, are not U.S. citizens. Many are legal aliens, but some are illegal aliens. Like the rest of the population, they work, pay taxes, and send their children to schools in the Centerville Public School District. But they are not allowed to vote because they are not U.S. citizens. Recently, the following proposed city ordinance has come before the City Council:

All residents of voting age in Centerville shall be allowed to vote in Centerville city and Centerville Public School District elections. It shall not matter whether a Centerville resident is a U.S. citizen or non-citizen.

As a group role playing the City Council, do the following:

1. Read and discuss the background and the arguments supporting and opposing this ordinance, below.
2. Decide what to do about the ordinance. You have three choices. As City Council members, you can:
   - Vote **for** the ordinance.
   - Vote **against** the ordinance.
   - Vote to change, or **amend**, the ordinance. If you amend the ordinance, write your new version on a separate sheet of paper.
3. Be prepared to report on your vote and your reasons for it.

Background. Letting non-citizens vote is not a new idea. Prior to World War I, 22 states allowed non-citizens who were residents to vote. Anti-immigrant feelings engendered by the war ended this practice. But today six cities in Maryland allow non-citizens to vote in city elections. New York City and Chicago have always permitted non-citizen parents of school-age children to vote in school-board elections. Several major cities across the country are considering allowing non-citizens to vote.

Arguments Supporting the Ordinance. Non-citizens pay taxes, obey the laws, and send their children to public school. But they have no say in how tax money is spent, what ordinances the city enacts, or how their children are educated. This isn't right. Furthermore, permitting them to vote would make them full members of the community and may even encourage them to go through the difficult naturalization process and become citizens.

Arguments Opposing the Ordinance. First, some non-citizens are here illegally and should not be allowed to vote. Second, following the logic of those who support the ordinance, then non-citizens should be able to vote in state and national elections as well. This would make non-citizens the equal of citizens. If non-citizens want to vote, they should make a commitment to the country and become citizens. Contrary to what supporters of the ordinance say, the naturalization process is not difficult. It just takes commitment.

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Seven Steps for an Action Project

Step 1: Select a Problem. Get your group together and discuss how a school or community problem influences you. Make a list and choose one problem to focus on. To help you decide, ask the following questions:

- Which problem affects your school or community the most?
- Which would be most interesting to work on?
- Which could be worked on most easily?
- Which would you learn the most from?

Step 2: Research the Problem. The more you know about a problem, the more you'll understand how to approach it. Try to find out as much as you can about these questions: What causes the problem? What are its effects on the community? What is being done about the problem? Who is working on the problem or is interested in it? To find answers to these questions, try the following:

- **Use the library and Internet.** Look up newspaper and magazine articles. Ask the reference librarian for help.
- **Survey community members.** Ask questions of people you know. Conduct a formal written survey of community members.
- **Interview experts.** Call local government officials. Find people at non-profit organizations that work on the problem.

Step 3: Find and Analyze Policies Related to the Problem. As you have been gathering information, you may have come across policies designed to address the problem. A policy is a clearly defined way of dealing with a problem. It can be a course of action, or it can be a law.

- Find policies that deal with the problem you have chosen to address.
- Use **Handout O—Seven Questions About Policy** to evaluate the policy (or policies) you have found.

Step 4: Decide on an Action Project. Think of project ideas that would address the problem your team has chosen. Make a list. As a team, decide on the top *three* project ideas. Think about the pros and cons of each project idea. Evaluate each in terms of your available time, materials, and resources. Select the most suitable one.

Step 5: Plan the Project. To prevent false starts or chaotic results, you need a plan. Use **Handout P—Project Planning** as a guide to plan your project.

Step 6: Do the Project.

Step 7: Evaluate the Project. While implementing the project, it's important to evaluate—to think about how you are doing and figure out how you can do things better. At the end of the project, you'll want to evaluate how you did. To make evaluating easy, you'll need to plan for it. In addition to evaluating the project's results, be sure to examine how well your group worked together and what you learned as an individual.

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Handout 0

Seven Questions About Policy

Government policies can profoundly affect people's lives. In a democracy, you have a say on these policies. It's important to know how to evaluate them. Listed below are seven questions you can ask about a policy to evaluate its effectiveness.

1. **What is the goal of the policy?** If you know what a policy is supposed to do, you can measure its success or failure.

2. **What groups or individuals support or oppose the policy? Why?** Knowing who supports or opposes the policy can help you in two ways. First, the supporters and opponents are an incredible resource. They can help provide answers to all seven of these questions. Second, you can find out what private interests are involved and who might be helped or hurt by the policy.

3. **What are the policy's advantages?** What are its benefits? Will it achieve its goal? (See Question 1.) Will it achieve the goal efficiently? Is it inexpensive? Does it address the causes of the problem? Does it treat some of the effects of the problem? Does it protect people from harm? Does it ensure their liberties?

4. **What are the policy's disadvantages?** What are its costs? Is it inefficient? Does it fail to address the causes of the problem? Does it fail to alleviate effects of the problem? Does it cause harm? Does it intrude on people's liberties? Does it have any potential negative consequences?

5. **What are the alternatives?** Most serious problems have more than one policy proposal.

6. **How do the alternatives compare?** Look at their goals, advantages, and disadvantages.

7. **Which policy do you favor?** Weigh the advantages and disadvantages of the policies and decide.

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Project Planning

On paper, create a project plan that includes these 10 parts.

1. **Project name.** Invent a catchy name for your project. Use it on everything you create for the project—posters, fliers, etc.
2. **Team members.** Write down the names of your team members. Consider the strengths and talents of each team member so you can make the best use of everyone on the project.
3. **Problem statement.** Give a brief description of the problem you are concerned about.
4. **Project goals.** Goals help chart your course. What do you want to achieve? Keep your goal statement clear and simple.
5. **Project Description.** In two or three sentences, summarize the project. How will it address the problem?
6. **Possible supporters.** List different organizations and individuals who might help you with your project. Government, non-profit, and business groups may already be working on the problem, or they may be interested in it.
7. **Possible obstacles.** Think of what might hinder your project or who in the community might oppose your goals. List them.
8. **Action steps.** Your project goals tell you where you want to go. What steps do you need to take to get there? Write down the details of your plan step-by-step.
9. **Task chart.** Once you have decided on the steps to your plan, break the steps down into tasks. Try to think of everything that needs to be done. Then assign people jobs that they want to do and *can* do. Put someone in charge of reminding people to do their tasks. Set a deadline for each task.
10. **Evaluation plan.** How will you measure the success of your project? Here are three ways to evaluate a project. Pick the best ways and figure out how to do them for your project.

    Before-and-After Comparisons. You can show how things looked or how people felt before your project, and then show how your project caused change. You might use the following to make comparisons: photos, videos, survey results, or test scores.

    Counting and Measuring. You can count or measure many different things in a project. For example: How many meetings did you have? How many people attended? How many voters did you register? How much time did you spend? Numbers like these will help you measure your impact on the community.

    Comparisons With a Control Group. You may be able to measure your project against a control group—a comparable group that your project does not reach. If, for example, you are trying to rid one part of town of graffiti, you could compare your results to another part of town with the same problem.

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Key Terms

1

common law
constitution
constitutional government
democracy
divine right of kings
English Bill of Rights (1689)
John Locke
limited government
Magna Carta
natural rights
popular sovereignty
rule of law

2

Articles of Confederation
Bill of Rights
checks and balances
constitutional amendment
Declaration of Independence
Enlightenment
liberalism
Protestant Reformation
separation of powers
state constitutions
U.S. Constitution

3

confederal system
direct democracy
federal system
monarchy
parliamentary system
political authority
politics
representative democracy
republic
system of shared powers
unitary system

4

authoritarian government
civil society
common good
justice
liberty
private sector
Progressive era
Puritan work ethic
totalitarian government
voluntary associations

5

affirmative action
commerce clause
diversity
establishment of religion
14th Amendment
free exercise of religion
secular
separation of church and state

6

eminent domain
just compensation
loyal opposition
police powers
Prohibition
property
public use
zoning

7

domestic policy
executive branch
Federal Communications Commission
Federal Reserve Board
flat tax
graduated tax
independent federal regulatory agency
judicial branch
legislative branch
presidential veto
progressive tax
regressive tax
Securities Exchange Commission
trade policy
value-added tax

8

bicameral
city
concurrent powers
county
municipality
reserved powers
special district
state
10th Amendment
unicameral

9

appellate courts
civil courts
criminal courts
due process of law
equal protection
impeachment
independent judiciary
judicial review
mediation
negotiation
ordered liberty
recall

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Key Terms

10

distorted evidence
emotional appeal
factual accuracy
logical validity
margin of error
media
political parties
political platforms
public policy
public agenda
public opinion
public opinion polling
random sample

11

Democratic party
Federalist party
ideology
initiative
motor voter
political independent
referendum
Republican party
third parties
two-party system
voter registration

12

at-large election
compelling government interest
gerrymander
minority-majority district
public policy
Voting Rights Act of 1965

13

Cold War
foreign policy
human rights
imperialism
isolationism
Marshall Plan
Monroe Doctrine
most-favored nation
national security
national interest
NATO
Organization of American States
power to declare war
self-determination
superpower
treaty

14

GATT
General Assembly
intellectual property
international governmental organization
international non-governmental organization
International Red Cross
multinational corporation
Roman Catholic Church
Security Council
tariff
U.N. Charter
UNICEF
United Nations
World Trade Organization

15

alien
ambassador
citizen
deport
economic rights
Immigration and Naturalization Service
naturalization
Northwest Ordinance
personal rights
political rights
right to privacy
supremacy clause

16

citizen movements
civic responsibilities
non-political volunteering
patriotism
personal responsibilities
political action
public service

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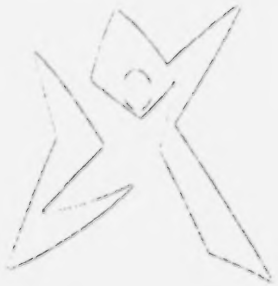

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W.M. KECK FOUNDATION *Series*

The Challenge of Governance is the fourth volume in the W.M. Keck Foundation Series, a series of educational publications that address key challenges facing our democratic and pluralistic republic under the framework of the Constitution and its Bill of Rights.

The W.M. Keck Foundation, one of the nation's largest charitable foundations, primarily supports higher education, medical research, and science. The Foundation also maintains a Southern California Grant Program that provides support in the areas of civic and community services, health care, precollegiate education, and the arts. The Board of Directors of Constitutional Rights Foundation is grateful to the W.M. Keck Foundation for its vision and generosity.

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THE CHALLENGE OF GOVERNANCE
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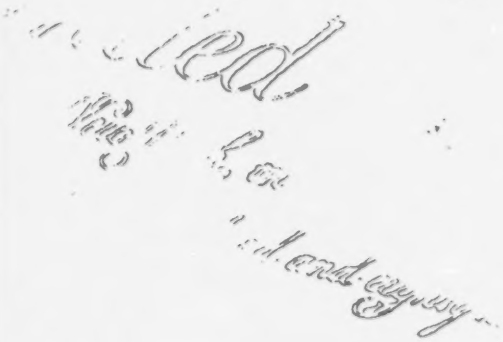
Introduction

For over 200 hundred years, the Constitution and the Bill of Rights have guided America. The Constitution defined a federal form of government that has served us well. The Bill of Rights limited the powers of that government and endowed Americans with an unprecedented level of personal and political freedom.

Over the past two centuries, our constitutional republic has faced many challenges, such as war, internal dissension, and economic turmoil. As we enter a new millennium, America will face new challenges testing our unity, our principles, and our system of government.

It is the young people of today who will encounter those challenges. They will be tomorrow's voters, community leaders, politicians, and citizens. They will be asked to make decisions about issues unknown to us today, and the quality of those decisions will determine whether our constitutional system will endure. It is to these young people that this series is dedicated.

In this volume, *The Challenge of Governance*, we consider one of the basic challenges of every society—establishing and maintaining a proper government. In a democratic society such as ours, the challenge of governance is perhaps greatest, because every citizen is entrusted with rights and responsibilities. The strength of our society depends on our citizenry becoming well-educated and taking part in our nation's civic life.



With these materials, we invite students to confront the challenges facing our democratic form of government. The book is divided into 16 sections. Each section has two parts. In the first part, an introductory reading covers one or two of the National Standards for Civics and Government for High School. The introductory readings offer students a review of all the standards, which were developed to help students become "competent citizens committed to the fundamental values and principles of American democracy." Following each introductory reading, a second reading delves into a related specific issue of current importance.

1

The Constitution and Governance

The United States of America is governed by its Constitution, a written document created in 1787 and ratified in 1789. In 1791, the Constitution was amended to include 10 new articles called the Bill of Rights. Among the world's first, the U.S. Constitution set up the structure of our government, divided powers between the national government and the states, and limited the government's power to infringe on the rights of individuals. Considered revolutionary at its time, our Constitution has lasted for more than 200 years and inspired dozens of other countries to adopt similar constitutions of their own.

The men who drafted the Constitution wanted to limit the power of government and protect the rights of individuals.

Not all countries with constitutions, however, have constitutional governments. A constitutional government is a limited government. Many countries have adopted constitutions, but some have failed to limit the power of government. For example, during the Cold War, the Soviet Union had a constitution with many of the same features as our own. It called for separate branches of government and guaranteed its citizens various rights including freedom of speech and religion. In fact, the Communist party held all of the power, repressed religion, and sent thousands of people to prison for their expressed thoughts and beliefs. The constitution was ignored.

6

PRINCIPLES OF CONSTITUTIONAL GOVERNMENT

To work and survive, a constitutional government requires that the people and their political leaders accept and support certain principles.

A constitutional government requires a belief in the rule of law. This means that everyone is expected to follow the law. Over the centuries, people have put forth many ideas about the source of law. Some have claimed that law was established by a supreme being. Others argued that it was the product of long held customs and traditions. At one point, it was believed that sovereign kings had the right to make law. Today, in democratic societies, the right to make laws belongs to a legislature elected by the people.

Law serves many purposes. It regulates people's conduct and provides methods for resolving conflict. It creates order and stability in society and lets people know what is expected of them. It regulates business relationships and the economy. It grants authority to government and sets limits on that authority.

The constitution is the "supreme law of the land." It describes who will make national laws, who will enforce them, and who will interpret them. It describes the kinds of laws government has the power to make and places limits on the power of government to make certain kinds of law. It reserves other lawmaking powers to the state governments. It also gives us the power to change the law by following an established process.

Elected and appointed officials, judges, lawyers, law-enforcement officers, and military personnel in the United States all take an oath to uphold and defend the Constitution. In doing so, they swear loyalty to the law, not the government or a particular leader or political party.

A constitutional government requires a commitment to the idea of popular sovereignty. This means that the will of people is the ultimate source of power. Only they can create the government and the law. As such, the people are expected to make wise decisions when choosing leaders by voting and participating in electoral politics. The people are expected to be watchdogs to assure that laws are followed by serving on juries. The people are expected to be educated about public issues and concerned about the civic life of the nation.

A constitutional government must also protect the rights of the minority. While many decisions in a constitutional government are made by the will of the majority, minorities and individuals cannot lose their rights simply because they can be outvoted in the polls. A constitutional government guarantees certain rights to everyone—rights that not even an overwhelming majority can take away.

Constitutional governments must assure order and stability in society, but also have enough flexibility to change with the times and accommodate social change. During the civil rights era in our country, the courts used the equal protection clause of the 14th Amendment of the Constitution to end law-mandated segregation. The adoption of the Japanese constitution after World War II changed the life of women in that society forever by giving them the right to vote.

THE ORIGINS OF CONSTITUTIONAL GOVERNMENT

Historically, the principles, values, and conditions necessary for a constitutional government developed over a long period. The roots of democracy can be traced to ancient Greece. The word "democracy" comes from the Greek word for "rule of the people." The creation of our constitutional government, however, was largely influenced by events and ideas from England and colonial America.

England evolved the ideas of representative government and limits on the power of the king. In 1215, a group of barons forced King John to accept the Magna Carta, a set of rules governing the relationship between the king and his subjects. It established the principle that even a king is not above the law. In 1689, the English Parliament passed the Bill of Rights that ended the divine right of kings and granted specific rights to the people. The British Constitution remained largely unwritten. Although the power of the king became limited, the power of the legislative branch, the Parliament, reigned supreme.

Throughout English history, the development of limited government was aided by the ideas and practices of common law. This system of law evolved over the centuries and used customs, traditions, and judges' decisions to regulate conduct and settle disputes. Whenever the actions of a king or government threatened their rights, the English could appeal, though not always successfully, to the principles of common law for protection.

With the Enlightenment came the development of the theory of natural rights. Articulated by the English philosopher John Locke, this theory holds that all people possess certain rights, such as the rights to life, liberty, and the pursuit of happiness. These ideas heavily influenced the founders of our constitutional government.

The colonial experience and conditions in America also helped establish the principles of our constitutional government. In their charters, the agreements establishing their colonial governments, the colonists put into writing many of the ideas that had developed in England to limit government and assure certain rights. The long colonial experience, with England so far away, also gave Americans practice in applying these ideas to the conditions in the new land.

Historians have often debated why the principles of constitutional government flourished in America. Many reasons have been advanced. America lacked the experience of feudalism and a rigid class system. It was geographically isolated from Europe and protected from invasion so that a militaristic and regimented society did not develop. There was a strong middle class that no one group could dominate. Through the frontier experience, America developed a civil society based on working together in groups and forming social, religious, and economic associations to solve problems independent of government action or interference. Americans valued

education as a necessary tool for leadership and as a method for social advancement and assuring good citizenship. All of these conditions promoted the development of a constitutional system.

POINTS OF INQUIRY

1. What have people in history claimed were different sources of law? What do you think should be the main source of law? Why?
2. What are some different purposes and functions of law?
3. What are the purposes of a constitutional government? How can a government have a constitution and not be a constitutional government?
4. How can constitutions promote change or help resolve social issues? Give some historical examples.
5. What major philosophical ideas and historical events helped influence the creation of limited government in the United States? Why do you think the principles of constitutional government prospered in America?
6. What is "popular sovereignty"? Why is it important to the U.S. Constitution?
7. What is the origin of the word "democracy"? What does it mean? In our society, what is the different meaning between a "democrat" and a "Democrat"?

Emerging Democracies

To define our system of republican government, the U.S. Constitution depends upon a series of principles, or fundamental doctrines. They include, among others, the rule of law, a commitment to popular sovereignty, and a respect for the inalienable rights of individuals and minorities. These principles make the U.S. Constitution an attractive model for emerging democracies. During the 18th and 19th centuries, many nations overthrew monarchs or established their independence from colonial powers. France, Bolivia, and Argentina are all examples of republics that were inspired by the U.S. Constitution.

The number of nations adopting new democratic constitutions increased dramatically during the 20th century. By the end of the 1990s, 120 of the world's 192 nations had adopted such constitutions. A constitution does not, of course, guarantee that a country will be democratic. In the 20th century, Nazi Germany, the former Soviet Union, and South Africa all oppressed their citizens under the guise of constitutional law. In addition, differences in history, culture, and economy have led to many variations in constitutional government. How have some nations made the transition from monarchy, colonial government, or dictatorship to a democratic form of government?

ARGENTINA

Argentina drafted its constitution in 1816 after declaring independence from Spain. As in the United States, Argentina's constitution was considered the supreme law of the land. It set up two legislative branches—a Senate and a House of Deputies—modeled on the two-house system of the U.S. Congress. It called for a president to be elected directly by the people for a term of four years. And, similar to the United States, Argentina's constitution established a nine-member Supreme Court.

Argentina's constitution differs in important respects from the U.S. Constitution. Argentina is 90 percent Roman Catholic. The Argentine Constitution makes the Catholic religion the official state religion. It also says that all inhabitants can "profess freely their religion."

This means that people can choose their own religion, but the state helps support the Catholic Church and considers it the official religion. This could not happen under the U.S. Constitution because the First Amendment states that the government may not establish an official religion.

During the 1930s, political and economic instability in Argentina led to the military overthrow of elected governments several times. A long period of dictatorship was followed by the rule of a military junta. From 1976 until 1983, Argentina's electoral process was completely suspended. Economic hard times and a military defeat in a dispute with Great Britain caused the military regime to step down in 1983. Argentina has been functioning under a constitutional government since that time.

SOUTH AFRICA

Although it adopted a constitution in 1909, South Africa was ruled by a white, European-based minority that oppressed the predominantly black population. The government adopted apartheid, a segregation policy that denied black citizens the vote and completely separated blacks from whites. Although it operated under the rule of law, apartheid violated the principles of popular sovereignty and the rights of minorities.

The injustice of apartheid resulted in strong resistance from black–and a significant minority of white–South Africans. This resistance was reinforced by economic sanctions from other nations. Opposition to South Africa's repression grew so strong that in 1989, its president was forced to resign. His successor began to dismantle apartheid. Blacks were invited to participate in the drafting of a democratic constitution. The new constitution provided for popular sovereignty by giving all South African citizens over the age of 18 the right to vote. It provided for elections and protected the rights of all citizens.

One interesting feature of the new South African constitution is that the members of both houses of the legislature are elected based on proportional representation. South Africa is composed of many different tribal peoples and a small white minority. The new government wanted to ensure that these groups felt represented in the legislature. In each legislative district, people vote for the party they want to represent them. Unlike the single-member districts used in the United States, South Africa is divided into multi-member districts. For example, in a 10-seat district, each party must get about 10 percent of the vote to win a seat. If a party gets 20 percent, it gets two seats; 40 percent, four seats; and so on. This enables minority parties to win representation.

POINTS OF INQUIRY

1. Does a constitution guarantee that a nation will treat its citizens justly? Why or why not?
2. Does respect for the rule of law guarantee that a constitution is democratic? Why or why not?
3. What do you think are the main factors that distinguish a democratic from a non-democratic form of government?
4. Do you think there are economic, social, or educational conditions that foster democracy? If so, what are they?

2 Constitutional Limitations on Government

With the Declaration of Independence in 1776, the American colonies stated their intention to sever their ties to Great Britain and establish their own country. The document expressed the natural rights philosophy that all men are created equal and possess certain rights, such as life, liberty, and the pursuit of happiness. It also charged the British government with a list of abuses against the colonies and its citizens. From the point of view of the colonists, the British had failed to respect their rights as Englishmen: They had no rights to representation in matters of taxation and no rights to petition the government.

Before the Constitution was adopted, the U.S. government had trouble raising money, regulating commerce, making foreign treaties, or maintaining a standing army.

The Declaration of Independence was a remarkable document in the history of Western political thought. Besides including natural rights, it merged the ideals of democracy and liberalism. Liberalism developed during the Enlightenment of 17th and 18th centuries. Its basic tenet was that each individual is endowed with reason and has rights. These rights exist independently from the will of government and have to be protected from government. The ideas of liberalism not only influenced political thought, but found expression in the Protestant Reformation and in the underlying assumptions of free enterprise and the market economy.

During the Revolutionary War, the colonists set about establishing a new country. Fearful of creating too powerful a central government along the British model, they decided on a confederation of states. Under the Articles of Confederation, drafted in 1777 and ratified in 1781, each state retained its own freedom and independence. Each state had an equal voice in the governance of the new nation, and each gave only very limited power to the central government. The articles granted no power to raise taxes, regulate commerce, make foreign treaties, or raise an army.

During the Revolutionary War, the articles hampered the country's ability to fight or even maintain the Continental Army. With the war over in 1783 and no emergency to hold the nation together, it seemed that the United States might break into 13 separate countries. The country was in debt with no way to raise revenue. European countries posed a potential threat to attack the nation, and the economy and trade among the states was in chaos.

A WRITTEN CONSTITUTION

By 1787, something had to be done. Representatives of the several states met in Philadelphia to work out a new system of government, one that would have enough power to be effective. They agreed that a written constitution was needed to set out the organization of government. In hammering out what would become the U.S. Constitution, the framers created a strong executive branch headed by a president. They created a two-house legislative branch and granted it a number of powers including the right to tax, regulate commerce, and raise and maintain armed forces. They also created a judicial branch headed by a Supreme Court, which would try cases and controversies among states and citizens.

Throughout the Philadelphia Convention, the framers had to work out several thorny issues. Representatives from small states worried that more populous states would dominate the nation. Representatives from agrarian Southern states worried that the commercial states of the North would dominate. Some representatives worried that the national government was too powerful and could trample the rights of the states and of individuals. The constitution that emerged contained features designed to limit the power of the national government.

CONSTITUTIONAL LIMITS ON GOVERNMENTAL POWER

Separation of Powers. By dividing the power of government among three branches–the legislative, executive, and judicial–the framers sought to avoid having power concentrated in any one branch. They remembered that the Parliament was supreme in the British system and that this had led to abuses and unfair laws. In making separation of powers an important part of the Constitution, the framers were heavily influenced by the French philosopher Baron de Montesquieu, who created the doctrine from his study of problems in the English system of government.

Checks and Balances. The framers also built the doctrine of checks and balances into the Constitution. Not only were powers to be separated among the branches, but each branch had obligations to check and balance the others. For example, the executive branch has the power to negotiate treaties with foreign countries, but the legislative branch must consent to them. The legislature has the power to pass laws, but the president has the right to veto them. The judicial branch has the power to determine if executive and legislative actions are constitutional, but the president and Congress have the power to select federal judges.

Judicial Review. The framers envisioned that the judicial branch would settle disputes among the branches of the government, among the states, and between the states and the national government. Later, the Supreme Court under Chief Justice John Marshall expanded the power of the federal judiciary to review acts of the executive and legislative branches and state governments to make sure they did not violate the Constitution. Judicial review often serves as an effective method for limiting government power when it conflicts with the Constitution.

The Supreme Court is an important institution in the system of checks and balances that limit the power of the U.S. government.

The Federal System. Rather than concentrate all governmental power in a national government, the Constitution reserved many powers for the state governments. All powers not enumerated as belonging to the national government are reserved for the states. Most laws regulating the conduct, health, safety, and welfare of citizens are passed and enforced at the state level.

Constitutional Amendment. The power of the people to amend the Constitution is another important limitation on the power of government. Under Article V of the Constitution, two-thirds of both houses of Congress can propose amendments to the Constitution or two-thirds of the state legislatures can call for a convention to propose amendments. Proposed amendments must then be ratified by three-fourths of state legislatures or three-fourths of state conventions. If the people decide that the national government is abusing or exceeding its powers, the Constitution can be amended to establish new limits.

The Bill of Rights. During ratification of the U.S. Constitution, many people complained that the document contained no bill of rights outlining the freedoms and protections of citizenship. George Mason of Virginia advocated rejecting the Constitution unless a Bill of Rights was provided. After ratification, James Madison led an effort in the first Congress to draft and propose amendments listing such rights. In 1789, 12 amendments were sent to the states for ratification. Ten of them, known

as the Bill of Rights, were ratified in 1791. They included prohibitions against Congress regulating free speech, interfering with the freedom of the press, establishing a religion, or preventing the free exercise of religion. The amendments also established due process requirements for those accused of crime. By doing so, the amendments placed additional limits on the power of government.

The values and principles of the Constitution have deeply influenced American society. They have encouraged freedom of thought and expression. They have led Americans to engage in creative activities in business, the arts, the humanities, and science, unhampered by excessive government interference. They have permitted citizens to challenge authority and government action when necessary and to change the Constitution in an attempt to improve society. For the United States, constitutional government has proven a great success.

POINTS OF INQUIRY

1. What is liberalism? When did it arise? What did it influence? What other political meanings are there of the word "liberal"?
2. Name four limits on governmental power as laid out in the Constitution. How does each one function to limit the power of the central government? All these limitations slow down the process of government. Why do you think the founders did this?
3. Aside from limiting government, what else does the Constitution do?
4. How have the values and principles of the Constitution affected American society?

The Amendment Process

Article V of the Constitution defines two methods for modifying the Constitution. First, Congress can propose amendments if two-thirds of the members of both the House of Representatives and the Senate approve. Second, two-thirds of the states can demand that Congress schedule a constitutional convention. Amendments that are proposed through either method must then be voted upon separately by the legislatures or conventions of every state, and three-quarters of these states must ratify, or approve, the proposed amendments.

It is difficult to assemble a two-thirds majority in Congress. It is even more difficult to get three-quarters of the states to ratify a proposed amendment. In the more than 200 years since the Constitution was ratified, legislators have proposed more than 11,000 amendments to the Constitution. Only 33 have made it through Congress and only 27 have been approved by the necessary three-quarters of the states.

It is also difficult to persuade two-thirds of the states to petition the federal government to hold a constitutional convention. Since the original meeting was convened in 1787, legislatures from various states have made more than 400 applications calling for a constitutional convention. None of these efforts has succeeded.

Article V of the Constitution says nothing about what a convention may or may not do. If a convention is held, must it deal with only one proposed amendment? Could delegates vote on any number of amendments? Could they vote to abolish the Constitution itself? The Constitution provides no answers to these questions. Opponents fear that the vague provisions regarding a constitutional convention could put the Constitution in the hands of special-interest groups who could then rewrite the supreme law of the land. It would be difficult to predict the consequences of a constitutional convention.

TOO SACRED TO BE TOUCHED?

Proponents of both the constitutional convention and the amendment process argue that changing the Constitution is a positive result of civic participation. U.S. Senator Orrin Hatch sees the amendment process as "participatory democracy set forth by the Constitution." Proponents also see amendments as a method to correct problems that lie outside the realm of Constitutional law.

Many amendment advocates cite Thomas Jefferson who looked back at the newly drafted Constitution and observed, "some men look at constitutions with sanctimonious reverence . . . too sacred to be touched." Jefferson believed that constitutional amendments create positive change because each generation is "capable of taking care of itself and ordering its own affairs."

But considering the Constitution as "too sacred to be touched" is not the only argument against the amendment process. Several factors contributed to the founders' resolution to make the Constitution difficult to amend.

Interpretation. Constitutional powers and rights are described in broad, open-ended language. This was done purposely, so that its provisions could apply to numerous situations. This interpretation allows the judicial branch to consider the specific factors of each case in the light of broad constitutional law. It also makes the Constitution adaptable to modern situations without needing amendments all the time.

Unintended consequences. Those who drafted the Constitution tried to make all its components fit together as a coherent, balanced whole. In contrast, amendments are pieces added to the Constitution. Opponents to the amendment process worry that by using amendments to solve particular problems, legislators may create unintended consequences in other areas of constitutional, federal, or even local law.

Legislating political or social issues. Some amendment proposals have been introduced to address specific political or social issues. Opponents to the amendment process argue that political issues come and go, and social values change. They fear that amendments can create permanent changes to temporary problems. They point to the experience of Prohibition. The 18th Amendment was the only amendment to address a social issue—the consumption of alcohol. It was soon proven to be unenforceable and had to be repealed with the 21st Amendment.

Controversies over taxation and federal spending have led to numerous proposals for a balanced-budget amendment.

Although few amendments have made it through the difficult proposal and ratification process, several serious attempts have recently been made. Below are two of them.

BALANCED BUDGET

Balanced-budget amendments have been introduced in Congress 12 times. These proposals often become the object of fierce political struggles between Democrats and Republicans. In 1994, Republicans in the House of Representatives introduced a balanced-budget amendment as part of their "Contract with America." It called for the federal government to balance its books every year and required Congress to authorize with a two-thirds vote any spending beyond the budget limits. Proponents cited the continuous string of unbalanced federal budgets. They argued that the nation would bankrupt itself if the budget were not balanced and that experience had shown that Congress and the executive branch would not balance the budget unless forced to do so. This amendment got the two-thirds majority it needed in the House. Action then shifted to the Senate.

A majority of U.S. Senators opposed the balanced-budget amendment. They challenged the notion that a balanced budget was

necessary to the fiscal stability of the nation. Others felt that a balanced budget was an economic or social issue that was subject to change. Many others thought that if Congress and the president failed in their responsibility to balance the budget as required by a new amendment, the federal courts might have to make spending cuts or raise taxes. Action by the courts in this area could violate the separation of powers as defined in the Constitution. The balanced-budget amendment lost by one vote in the Senate.

Vowing to reverse their defeat, Republican strategists made a balanced-budget amendment a high priority in 1996. Republican Senator Orrin Hatch stated that the nation's Democratic leadership was incapable of balancing the budget without being forced to do so by the Constitution. Senate Democratic leaders stopped the Republican-led effort by arguing that the new amendment could damage Social Security. Once again, the proposal to adopt a balanced-budget amendment was defeated by one vote in the Senate.

In recent years, the momentum has gone out of this amendment, because the federal government has run a surplus.

RELIGIOUS FREEDOM

Since 1995, there have been three attempts to get a religious freedom amendment added to the Constitution. This amendment would allow prayers in public schools and permit the use of tax dollars to help pay for parochial schools. It was designed in response to U.S. Supreme Court rulings that these activities violated the establishment clause of the First Amendment. This clause says that government "shall make no law respecting the establishment of religion . . . ."

Supporters of the proposed amendment claimed that it would correct what they believe are misinterpretations of the First Amendment by the Supreme Court. They believe a religious freedom amendment would do nothing more than give religious speech the same protection that the Constitution gives to non-religious speech.

Opponents argued that the religious freedom amendment would narrow the interpretation of the First Amendment and break down the wall between church and state.

In a 1998 vote, the most recent religious freedom proposal fell short of the two-thirds majority required in the House of Representatives.

POINTS OF INQUIRY

1. What are two methods for modifying the Constitution?
2. Why do you think the founders made the Constitution so difficult to amend? Do you agree that it should be? Why or why not?
3. What proposed amendments to the Constitution do you know about? Do you think any of them should be added to the Constitution? Explain.

A Democratic Republic

3

Human beings are social animals. From the earliest beginnings, humans lived and worked in groups—families, clans, and tribes. Over time, social organization grew more complex. With the advent of agriculture, humans started living in villages, towns, and finally cities.

In ancient Greece, the city evolved further still. Organized around a market place, called the *agora*, and an *acropolis*, a place of defense against attackers, the city was home to thousands of people representing different clans and occupations. Citizens and other residents of the city mingled with foreigners and occupied themselves with the daily routines of life, making a living, and taking part in religious activities.

The Greeks were particularly interested in politics. In the Greek *polis*, as in cities today, there were decisions to be made and conflicts to be resolved. Citizens of Greek cities, males of a certain social or economic standing, spent much of their time in the market place discussing such issues. At large open assemblies, citizens debated and voted on questions of importance. Through politics, people with different opinions and interests gathered together to influence and reach decisions. In fact, we get the word politics from the Greek word *polis*, which means city.

Obviously, in politics someone has to have the authority to make a binding and final decision about what is to be done. Throughout history, different institutions have evolved to exercise political authority: tribal councils, monarchies, and constitutional democracies, to name a few. Although political authority takes many forms, it shares certain characteristics.

Political authority usually claims to be legitimate. That is, it claims that there is a reason why it was chosen to make final decisions for a society. Tribal leaders were often chosen on the basis of their strength or wisdom. Tribal counselors often were the head of clans or families within the tribe. Monarchs often claimed that their authority came from God and they ruled as a birthright passed down from their ancestors. Governments in constitutional democracies claim their legitimacy from the will of the people, also called the consent of the governed.

Whatever the source of political authority, it must offer its society some stability. Citizens need to be able to conduct business, resolve disputes, and predict what rules apply. Rapid turnover in political authority through revolutions, coups, or even by the democratic process can throw a country into chaos.

Citizens in ancient Greece discussed issues and set public policy.

Political authority also must have limits. In our system, political authority is restrained by the Constitution, laws, and the courts. The failure to establish limits of political authority can lead to abuses of a citizen's political and economic rights.

FEDERAL, CONFEDERAL, AND UNITARY SYSTEMS OF GOVERNMENT

As society has become more complex, so have governments. Governments have developed different types of relationships between their central government and other units of government within the same nation.

The United States and many other countries have a federal system of government. This

means that political authority is divided between the national government and the governments of various states. Political authority is further divided at the state level by the existence of counties, municipalities, and townships.

Debates often arise about which level of government, the national or the state, has the power to address certain issues. For example, the Constitution grants the national government the power to regulate interstate commerce, and the states have the power to regulate commerce within their borders. Sometimes disputes arise about who has the power to regulate a given issue, and the courts must step in to settle it.

Aside from the federal, there are two other main systems for organizing national, state, and local government—the confederal and unitary systems. A confederation is a system of government in which a number of states agree to join together to make a country. The United States operated as a confederation before the U.S. Constitution was adopted. The Southern states in rebellion during the Civil War also operated as a confederation. In a confederal system, all states are equal. They grant very limited powers to the national government. It has the advantage of assuring that each state controls its own political authority and is not subject to the dictates of the national government except by direct consent. It has the disadvantage of requiring unanimous agreement, which is often difficult to achieve, before the national government can act.

A unitary system of government features centralized authority in one national government. Usually the government operates from the capital and establishes local departments throughout the country. Each department is responsible for enforcing national laws and policies at the local level. It has the advantage of keeping consistent laws and priorities in all parts of the country. It has the disadvantage of not giving local areas autonomy to address the needs and priorities of that particular area. France, for example, has a unitary system of government.

SYSTEM OF SHARED POWERS AND THE PARLIAMENTARY SYSTEM

Governments also differ in the forms of organization at the national level. The two most common types are shared powers and parliamentary systems.

In the United States, both the national and state governments have three branches, and power is shared among them. Each branch has a primary responsibility for certain functions of government. In general, the legislative branch makes the laws; the executive branch enforces and administers them; and the judicial branch settles disputes and determines whether the laws are broken. The legislative branch, however, has the power to investigate illegal activities, conduct hearings, and hold people in contempt, similar to the judiciary. The executive branch has the power to create administrative rules, which have the force of law, similar to the legislative branch. The judicial branch has the power to interpret constitutional principles and laws giving them a new meaning, similar to the legislative branch, and enforce them by court order, similar to the executive branch.

Outside the United States, a different form is common in many democratic countries—the parliamentary system. In a parliamentary system, the national legislature and the national political parties play the key role. In national elections, candidates for seats in the national legislature run as representatives of parties. Whichever party wins the most seats becomes the majority party and gains the authority to form a national government by appointing the national leaders, often called ministers. The ministers head the various departments of the government and serve in the cabinet. The head of the government is often called the prime minister. The majority party holds this authority until new national elections are held. If a different party gains the majority, it forms a new government. In a parliamentary system, both the legislative and executive branches of government are always controlled by the same party. This gives it the advantage of having the two branches working in unison to establish policy and to pass and enforce laws. There is, however, less separation of power and fewer checks and balances. Israel and the United Kingdom have parliamentary systems.

DIRECT OR REPUBLICAN DEMOCRACY

No matter what form constitutional government takes, the ultimate power is supposed to be held by the people. In ancient Athens, citizens had a direct role to play in making the decisions of government. They voted on major issues facing the city state. This form of government is known as direct democracy. Most modern democracies, however, have chosen a republican form of government. A republic is a state in which the people are sovereign (hold ultimate power), but they elect representatives to govern. The founders of our country had been influenced by the ideas of republicanism. They wanted a government that would seek the common good rather than what was best for a particular group or class. When the founders wrote our Constitution, they guaranteed the states a republican form of government in Article IV, Section 4, and described how representatives would be elected to Congress in Article I.

They chose a representative form of government for several reasons. First, with the population spread out over thousands of miles, not concentrated in one area, having the people vote whenever a major issue came up was not practical. More importantly, the founders feared that the majority of people could be easily swayed to make rash decisions. The founders worried that the rights of religious minorities or of people with property might be lost if majority passions were aroused.

To counter this possibility, the founders favored representative government. The people would vote for able and educated men who would pass the laws and make governmental decisions. The representatives, removed somewhat from the passions of the moment, could make reasoned judgments and decisions for the common good rather than for selfish reasons. The people would still have a strong voice in government by exercising their votes to select or remove the representative.

Representative government has some advantages. It makes a relatively small group accountable for governmental actions. It is more efficient. Also, when intelligent and experienced representatives are chosen for office, it places power in the hands of those most capable of using it wisely.

Representative government also has some disadvantages. It removes the people from direct participation in most political decision making. It creates an elite who might become more responsive to special interests than the people as a whole. It can make people feel that the representatives know best or that they have little real say about what goes on in government. Either reaction can promote alienation or apathy.

POINTS OF INQUIRY

1. Why do you think politics is found wherever people gather? What does politics help people do?
2. Why are political authority and government necessary? What are some formal institutions that have existed to exercise political authority? How have people justified political authority historically? What do you think should justify it? Why?
3. Compare and contrast the federal, confederal, and unitary systems of government. What are the advantages and disadvantages of each?
4. What is a system of shared powers? What is a parliamentary system? What do you think are the advantages and disadvantages of each?
5. What is a republic? How does it differ from direct democracy? What are the main arguments for and against each? In modern America, what is the different meaning of the words "republican" and "Republican"?

Making America More Democratic

Since our nation's founding, many changes have been made to make our country a more democratic nation. For example, the Constitution has been amended three times to extend the right to vote. The 15th Amendment extended it to all racial groups; the 19th, to women, and the 26th to everyone age 18 or older. The Constitution was also amended to allow voters to elect U.S. senators. Prior to the 17th Amendment, ratified in 1913, each state's legislature chose its U.S. senators. Many other proposals have been offered with the intent of making America more democratic.

Two Congressional pages carry boxes containing the electoral college votes that certified George W. Bush as president of the United States.

THE ELECTORAL COLLEGE

In an American election, voters do not directly choose a presidential candidate. The founders of the Constitution debated on how the president should be selected. Some favored a popular vote (although the practicality of this was questionable at the time). They ultimately reached a compromise that reflected our federal system. They placed the final decision of who will be president and vice-president in the hands of a separate voting body called the electoral college.

Usually, the electoral college vote accurately reflects the will of the larger voting public. But this does not always happen. Each state is given a number of electors based on the number of members in the House of Representatives plus its two U.S. senators. It is up to the state legislature to determine how the electors are selected. Today, every state chooses its electors through a popular vote. When people vote, the ballot says the name of the candidates for president and vice president. But people are actually voting for a slate of electors committed to a particular candidate. Following the election, the slates of electors for the winning candidate from every state meet in the electoral college and vote for president.

In only three clear-cut instances has the electoral college vote gone against the popular vote. In 1876, Rutherford B. Hayes lost the popular vote by about 300,000 votes. In 1888, Benjamin Harrison lost by about 100,000 votes. In 2000, George W. Bush lost by about 500,000 votes. All three men won the electoral college and the presidency.

Opponents of the electoral college believe it is archaic and undemocratic. The president, they say, is the president of all the people and should be the candidate with the most votes. They urge a constitutional amendment to change the electoral college.

Supporters say the electoral college reflects our federal system. To win the electoral college, a candidate cannot simply campaign in the most populous states, but must also focus on smaller states. They argue that under the electoral college the president represents the whole nation.

VOTER INITIATIVES

In many states, voter initiatives put proposed legislation on an election ballot. This allows citizens to vote directly for or against a proposed law instead of relying on their elected representatives in the legislature. For an initiative to be placed on a ballot, advocates must first collect signatures from registered voters. Then the initiative is placed on the ballot. In this way, a simple majority of votes can transform a bill into law without being considered by the legislature. Currently, only state govern-

ments have voter initiative procedures. There is no federal initiative process.

The Constitution would have to be amended to allow for federal voter initiatives. Proponents believe that an initiative amendment would give more power to the voter. They argue that the initiative process would put responsibility for public policy directly in the hands of America's voters and that putting potential laws on the ballot would attract more voters to the polls.

Others express doubts about the initiative process. They explain that the legislative process is complex and full of critical checks and balances. Creating a law that is effective and that won't be challenged in the courts requires legislative experience and lawmaking skills. They fear that initiatives reduce the legislative process to a contest among power groups to determine who can most effectively manipulate the voting public.

CAMPAIGN-FINANCE REFORM

In 1996, $2.2 *billion* was spent by political parties and candidates running for federal office. The 1996 campaign expenditures for President Clinton and Republican contender Robert Dole reached $250 million by election day. Many Americans believe that too much money is required to finance a modern election campaign—including vast amounts paying for expensive media ads. To get elected, they say, politicians must approach big business and special-interest groups for campaign financing. In turn, they claim, once politicians are elected, the biggest contributors have the strongest influence on the politicians they supported.

Advocates for campaign-finance reform argue that the search for campaign dollars defines how politicians behave in office. They argue that even if most legislative decisions are influenced by party, ideology, and the needs of their constituency, politicians still pay back contributors in the countless decisions about where they focus their lawmaking energy.

But, they argue, political favoritism is only one effect of the high cost of political campaigns. They point out that costly campaigns hinder direct democracy by making it nearly impossible for the average citizen to run for office.

Supporters of the current campaign finance system question how the system could be changed. Will donations be limited? They argue that campaign contributions are part of every citizen's rights to free speech and participation in the political process. They say that those who contribute are merely exercising these rights. Will the public finance campaigns? They say that there is little public support for this.

Others point to democratic nations that have restructured their campaign-finance laws. Political fund-raising scandals have continued in these nations after they have reformed their finance laws. The argue that a broad range of factors—an equitable tax policy, an independent judiciary, adequate pay for legislators and other civil servants, budget disclosures, and party systems that nurture competition—can combat legislative corruption more than the rules of campaign finance.

POINTS OF INQUIRY

1. Do you think the initiative process should be adopted at the federal level? Explain.
2. Do you think campaign finance reform is necessary? Why or why not?
3. Many times in our history it has been suggested that the electoral college be changed. Why do you think it never has been?

4 The Civil Society

American citizens can trace their origins to every region of the world. Unlike people of many other nations, Americans do not share a common religion or ethnicity. For the United States to survive as a constitutional democracy and as a nation, its people must embrace certain values, beliefs, and principles that reflect the nation's diversity. These values, beliefs, and principles are expressed in the Constitution. They include justice, equality, liberty, and promoting the common good. They are reflected in our institutions of government and are important for individuals and civil society to flourish. Civil society consists of all the many groups and relationships in a free society not under government control.

In the 1830s, a French aristocrat named Alexis de Tocqueville visited America. He noticed that Americans actively participated in public affairs.

Justice is the quest to correct wrongs, distribute society's benefits and burdens in a fair way, and make sure that procedures for making decisions are fair and impartial. Our judicial and police institutions are designed to promote justice. Citizens must embrace justice and make sure that our institutions practice it.

Equality is the quest to make sure that everyone is treated equally by the law. The principle is embodied in the 14th Amendment to the U.S. Constitution and applies to governmental laws and actions. Citizens must strive to assure that groups and individuals, no matter what race, national origin, or religious creed, are treated fairly by our government and its laws.

The common good refers to the principle that what benefits the whole of society is more important than individual or selfish advantages. This principle is found in many of our institutions and laws. For example, the law of eminent domain requires property owners to sell their land to the government for public purposes such as schools or highways. Draft laws require individuals to serve in the armed forces to defend the country. Citizens must be willing to accept the sacrifice of their individual interests to promote the common good.

Of course, many of these values and principles are closely related. In a diverse country such as ours, protecting individual liberty requires that people be treated equally by the law. Similarly, an important component of justice is equal treatment before the law.

THE IMPORTANCE OF VOLUNTARISM AND ORGANIZED GROUPS

Essential to American political and social life is the role of organized groups and voluntarism. The right to form groups without governmental interference is embodied in the First Amendment to the Constitution. It gives Americans the rights to peacefully assemble and petition the government. Over the years, the U.S. Supreme Court has interpreted this amendment to give Americans the right to freely associate for political, social, and religious purposes.

Organized groups in America serve important civic functions. By joining together, citizens promote their business, social, and religious interests. They can also monitor and influence government actions that might impact their economic interests. By joining together, they also share information, discuss civic issues, and take part in civic life.

Organized groups have always been important to the civic life of America. In the colonial experience and on the frontier, the government was often far away. People had to band together to establish towns, defend them-

selves, build schools and churches, or clear the land. To do this, they had to work in groups.

In the early 1830s, a French aristocrat named Alexis de Tocqueville visited America to observe democracy firsthand. He traveled from the East Coast to the Mississippi River and found it remarkable how Americans were "forever forming associations." He observed: "In every case, at the head of every new undertaking, where in France you would find the government . . . in the United States you are sure to find an association." Tocqueville found this to be evidence of vibrant democracy. For him, such associations demonstrated both the role of the people in running the country and the limited role of the government.

Throughout American history, associations have played a key role in local, state, and national politics. Unions fought for federal and state wage laws, safer working conditions, limitations on the work week, and the right to organize. During the Progressive era, civic groups promoted laws to improve government and limit corruption. Women formed groups to win the vote, end child labor, and require compulsory education. Professional associations, such as those for lawyers, doctors, and engineers, set requirements for the education of their members and standards for the practice of the profession. Charitable groups formed hospitals, established orphanages, created organizations for disaster relief, and organized associations to feed and clothe the poor. Even today, researchers have found that Americans are more likely to be involved in voluntary associations than the citizens of almost any other industrialized nation.

America's tradition of voluntarism can be traced to its beginnings. The Puritans of the Massachusetts Bay Colony, with their strong work ethic, believed that everyone had the responsibility to contribute to the betterment of the community–a community of God in the new world. Native Americans also had a firm commitment to the needs of communal life; people were often judged not for what they possessed, but for what they sacrificed for the clan and village. As waves of new immigrants reached America–the Irish, the Jews, and the Italians–they often banded together to help the newly arrived.

These traditions in American life have helped create a huge private sector and tended to limit the role of government. This private sector contributes to filling the needs of society for education, health care, and food, clothing, and housing for the less fortunate. Yet, government also plays a huge role in meeting these needs, assuring such things as free public education, Social Security, welfare, and Medicare benefits. As a result, debates often arise about how these responsibilities should be shared. Issues such as national welfare reform, public versus private education, and the role of government in health care are examples of these ongoing debates.

POINTS OF INQUIRY

1. How do our institutions of government reflect fundamental American values such as justice, liberty, equality, limited government, and the common good? How do these basic values depend on each other? How do you think these values are important for the individual and society?
2. What is "civil society"? Why is it important in a democracy? How do you think civil society is treated by authoritarian or totalitarian governments? Why?
3. Throughout American history, voluntary groups have played a political role. Give three examples.
4. How have voluntary associations sometimes performed the same responsibilities as government? What debates have developed because of this?
5. Why do you think voluntary associations have been so important in America throughout its history?

National Service

Community service has a long and varied history in America. Alexis de Tocqueville noticed that Americans frequently met community needs by working in volunteer associations. In the 19th century, the rapid growth of industrialization created a new class of philanthropists and a call for government reform. Reformers pointed to the miserable living conditions of immigrants, factory workers, children, and the elderly. Successful businessmen and civic-minded individuals contributed money and formed aid societies to address community problems.

During the Great Depression, the Civilian Conservation Corps (CCC) employed and trained over 2 million young people in the nation's largest service program.

As the nation grew and the gap between wealth and poverty increased, concerned citizens searched for a more systematic method for redistributing wealth and administering human resources. In 1887, lawyer and novelist Edward Bellamy advocated building a new society that featured an "industrial army." In Bellamy's influential novel, *Looking Backward*, national service was part of a utopian vision where young people contributed to the welfare of the community. In 1910, American philosopher William James envisioned a non-military national service "for the good of the commonwealth." Here, James explained, young people would work in coal mines, build roads and skyscrapers, and "get the childishness knocked out of them," returning to society "with healthier . . . ideas."

During the 1930s, President Franklin D. Roosevelt created the Civilian Conservation Corps (CCC). Supported by tax dollars and administered through a federal government agency, the CCC gave jobs to millions of young Americans who had been forced into unemployment by the Great Depression. CCC members lived, worked, and even studied together while they maintained the national park system, built roads, prevented soil erosion, implemented flood control, and helped support themselves and their families. More than 2.5 million Americans between the age of 18-25 served in the Civilian Conservation Corps.

After World War II, the GI Bill recognized American veterans' service to their country by offering them job placement, education grants, and home, farm, and business loans. In 1961, President John F. Kennedy established the Peace Corps, sending young Americans to work in underdeveloped countries in Africa, Asia, and Central and South America. As part of his "War on Poverty," President Lyndon B. Johnson created VISTA, providing young Americans with opportunities to serve full-time in thousands of economically depressed communities in the United States.

In the early 1990s, President George Bush authorized funding for service programs to many national, state, and local community groups. In 1993, President Clinton signed the National Community Service Trust Act. This act created AmeriCorps and the Corporation for National Service in an attempt to increase opportunities for young people to serve their communities. VISTA became part of AmeriCorps. In addition, many U.S. cities and states operate small-scale versions of the CCC and VISTA programs.

TO SERVE OR NOT TO SERVE

In times of war, Americans are asked to serve in the military. As voting-age citizens, we are required to serve on juries in the nation's courtrooms. Some school districts require that students perform a certain number of hours of public service. Beyond educational service requirements, military conscription, and jury duty, service to America's communities, including the right to vote, has remained a strictly volunteer responsibility. Since the military draft was abolished in 1973, young Americans have not been required to contribute any service to the nation. Should American youth be required to contribute some service to the nation?

Advocates of compulsory national service believe that *all* young Americans should be required to serve their country in some way. They point to potential advantages offered by a compulsory national-service program. Such a program could:

Provide human resources for problem solving. The nation's labor needs are changing rapidly. Industry and service jobs are being rapidly automated. But many jobs cannot be performed by computers and other machinery. National service could provide much-needed human resources for the nation's schools, its hospitals, its social-service organizations, and nature-conservation and environmental-protection groups.

Teach civic responsibility. National service could become a rite of passage that helps create mature, well-rounded adults who know the value of caring for others, who can respond to the needs of their communities, and who have learned important leadership skills.

Foster equality. National service could bring young people of different backgrounds together, thus combating racial, ethnic, and social fragmentation. The integration of the U.S. armed forces demonstrates that people who work together tend to overcome prejudices and biases.

Provide educational opportunity. Beyond the skills and values that national service could teach to young people, national service could raise the aspirations of those who serve by convincing them that they are capable of greater things.

Those advocating compulsory national service are divided over whether the all-volunteer armed services should be eliminated. Those favoring eliminating them argue that military service is a basic civic duty, and young people from all segments of society should be required to participate. They would have all young people take part in some sort of service–military or civilian. Others see no reason to eliminate the all-volunteer army. They argue it has been successful, and those volunteering for the armed services would be exempt from the civilian service requirement.

In any case, advocates of compulsory national service believe everyone would win if it were instituted. The nation would get much-needed workers. Young people would gain valuable work experience while fulfilling an important civic responsibility.

Critics of compulsory national service point out that Americans have volunteered to serve their communities since the nation's founding. They argue that a national service program sends the message that the duty of giving–and the job of deciding who is to receive the gift–belongs to the government, not to the individual. They doubt that compulsory service would stimulate a greater sense of civic responsibility in young people.

For critics, compulsory national service also raises several troubling questions about individual rights and liberties. Without a compelling national need such as defense in time of war, should Americans be "drafted" into service? In the Declaration of Independence, the founders were champions of "the right to life, liberty and the pursuit of happiness." Service should be an individual choice, not a requirement of all, they say. Wouldn't such a program interfere with the individual freedom of young Americans? Critics say that because it would be forced upon Americans, it might be difficult to motivate and manage unwilling participants.

Finally, there is the practical question of money. Critics argue that maintaining a compulsory national-service program would be prohibitively expensive. They point out that tax money raised for a national service program would leave Americans with less money to donate to charities. They believe the costs would far outweigh the benefits.

POINTS OF INQUIRY

1. What value do you think national service has?
2. What national service programs in the past do you think were most valuable? Why?
3. What is mandatory national service? What would be its advantages? Its disadvantages?

5 Diversity and Equality

America is a diverse country. Its diversity takes many forms. It is racially and ethically diverse, having significant numbers of citizens of all races and major ethnic groups. There is great religious diversity: Catholics, Protestants, Mormons, Jews, Muslims, Hindus, Sikhs, Bahais, Wiccans, and Native American faiths are all represented. There is a vast range of socioeconomic levels from the very rich to the very poor. There are regional differences from New England to the Far West, from the Deep South to the Great Lakes. Though English is the predominate language, our citizens speak scores of different languages.

During Reconstruction, black Americans participated in the electoral process for the first time. By 1877, U.S. voters had sent 22 black representatives to Congress.

Throughout our history, diversity has had a significant impact on our society and its politics. Before and during the Civil War, the issue of slavery tore America apart. During Western expansion, settlers clashed with Native Americans, and debates raged about how to address the "Indian question." In the late 19th century, immigration became an issue leading to the exclusion of various Asian peoples. The Irish, a despised immigrant group when they arrived, fought for acceptance and established strong political bases in urban areas such as New York, Boston, and Chicago. The 20th century has seen the struggle of blacks and other minorities for equal protection of the law—a struggle waged in the courts, in the halls of Congress, and in protest demonstrations.

Viewpoints differ about the role and value of diversity in American life. Many believe that diversity is among America's greatest strengths. It infuses American life with numerous rich traditions, not just one. It enriches our culture with new ideas, numerous art forms, and a wide array of music, foods, holidays, and beliefs. Others view diversity, and the issues that it presents about the treatment of minorities, as a challenge to our society and its political system. Some worry that the ongoing focus on diversity and its celebration in American life creates destructive tensions in our society leading to division and conflict.

Yet conflicts over diversity are an ongoing reality in American society. Those noting the disparity in economic prosperity between whites and blacks and other minorities seek programs and policies to achieve greater equality. Debates over affirmative action in employment and education mirror this conflict. Religious groups who favor prayer or the posting of the Ten Commandments in public schools claim that their rights of free expression about religion are denied. Advocates for better opportunities for women seek greater equality in pay and promotion in the workplace. Gay and lesbian advocates struggle for anti-discrimination laws and the right to live as domestic partners.

MANAGING CONFLICTS USING A CONSTITUTIONAL FRAMEWORK

Conflicts over diversity must be managed according to constitutional values and principles. For example, the 14th Amendment of the U.S. Constitution forbids states from making or enforcing a law that denies any person "equal protection of the law." This amendment was passed after the Civil War to assure that the newly freed slaves would be treated fairly.

Because of numerous decisions of the U.S. Supreme Court, the equal protection clause of the 14th Amendment has become a powerful tool for resolving conflicts over diversity. It has been used to strike down many laws and government practices that discriminate against Americans.

The commerce clause (Article I, Section 8 of the Constitution) is another provision that has been used to resolve conflicts over diversity and protect minority rights. It gives Congress the power to "regulate Commerce . . . among the several states." Congress has used this power to fight discrimination in business and in the workplace.

Other constitutional provisions also regulate conflicts over diversity. The First Amendment forbids Congress from making any law respecting the establishment of religion or prohibiting the free exercise of religion. Over the years, this amendment has protected religious minorities from interference with their religious practices.

As has been noted, Article I has granted Congress many powers. Congress has used these powers to help resolve conflicts over diversity and protect minorities. For example, by passing the Americans With Disabilities Act, Congress sought to assure that those with disabilities would receive appropriate access to travel facilities, the workplace, and businesses throughout America.

Not all of America's conflicts over diversity have been resolved, nor are they likely to be. The values and principles described in the Constitution set an ideal. They are also subject to interpretation. Disagreements and struggles will continue over how closely the reality of equality is to the ideal of equality in American life. Only on one issue must Americans agree. The struggle over equality must be within the context of our constitutional system of government.

POINTS OF INQUIRY

1. In what ways is America a diverse society? What are some different viewpoints about the role and value of diversity in American life? How has diversity affected American politics?
2. What are some conflicts in American history that have taken place over diversity? Why do you think some of these conflicts have been resolved and others have not?
3. Why do you think constitutional principles must be followed when managing conflicts with diversity?
4. What gaps are there between the ideal of equality and actual equality in American society? What efforts do you know about that have reduced these gaps? Do you think ideals, like the ideal of equality, are important? Explain.

Should Students Have the Right to Lead Prayers at Public School Events?

Religion and high school football are strong traditions in Santa Fe, Texas. Both traditions combined in the fall of 1999 when Santa Fe High School senior Marian Lynn Ward used the press box microphone at the school's football stadium to say a brief pregame prayer. After asking God to watch over those present and to inspire good sportsmanship, Marian ended by saying, "In Jesus's name I pray. Amen." The 4,000 students and adults in the stands enthusiastically cheered the 17-year-old Santa Fe student.

The previous spring, the student body at Santa Fe High had elected Marian to deliver an "invocation and/or message" of her choice at each of the football home games. This was in line with a school board policy. That policy was challenged in a case that eventually reached the U.S. Supreme Court. The court had never before decided a case of a student-led prayer at a school event.

THE CHURCH, THE STATE, AND THE PUBLIC SCHOOLS

The First Amendment of the Bill of Rights says two things about religion. It prohibits Congress from passing any laws that would establish an officially approved religion, and it guarantees that individuals may exercise their own religious beliefs. (The two clauses are known as the establishment clause and free-exercise clause.) Due to the 14th Amendment, state and local governments, including agencies like the public schools, are also bound by these First Amendment clauses.

The creators of the First Amendment knew from experience that establishing an official religion was dangerous, because government could use its power to force people to worship in a certain way. During colonial times, religious groups like the Baptists and Quakers were often persecuted in communities where they were in the minority.

Religion, especially as practiced by the Christian majority, has always had an important influence in American society. Official

In Santa Fe, Texas, supporters rally in favor of student-led prayer at school events.

state-supported Christian churches were eventually "disestablished" after the adoption of the Bill of Rights. But Christian religious practices remained a part of public life in many states. For example, mandatory daily prayers, Bible readings, and similar devotional exercises were common in public schools.

But starting in the 1960s, the U.S. Supreme Court began to abolish adult-led prayers in the public schools. The Supreme Court ruled that such practices established a government-approved religion, in most cases Christianity, which violated the establishment clause of the First Amendment. To avoid this situation, public schools had to appear strictly neutral and neither endorse nor oppose religion.

Some argued that prayers should continue in schools, and those students who did not want to participate in them could remain silent or be excused. But the Supreme Court pointed out that this would brand the non-participating students as outsiders and subject them to ridicule and harassment by their peers.

Over the next few decades, the Supreme Court generally continued to restrict the role of religion in the public schools. An exception was a decision in 1990 involving a high school that refused to permit a Christian club to form. The high court ruled that students could voluntarily meet outside of instructional time to exercise their right of religious speech. [*Westside Community Schools v. Mergens*, 496 U.S. 226 (1990)]

Two years later, though, the Supreme Court held that a public school inviting a clergyman to give an invocation and benediction at a graduation ceremony violated the establishment clause. The court found that because school graduations are such important events in the lives of young people, students are really compelled to attend them. In such a setting, the court concluded, students should not be forced to participate in a religious exercise that might violate their beliefs. [*Lee v. Weisman*, 505 U.S. 577 (1992)]

STUDENT-LED PRAYER

Santa Fe is a heavily Baptist community of about 8,000 people on the Gulf Coast of Texas. In April 1995, a Catholic and a Mormon family both sued the Santa Fe public school district for failing to stop persistent religious practices in the schools. The federal district court allowed the two plaintiff families to file their lawsuit under the assumed name "Jane Doe" because of allegations of intimidation by school authorities.

The plaintiffs objected to teachers promoting their religious views in the classroom, school administrators permitting Bibles to be distributed on the campuses, and a long history of Christian prayers at graduations and athletic events. The federal district court found incidents in which students and even some teachers harassed those who did not accept the Bibles and did not participate in prayers at school events.

By fall 1995, the school board had developed a policy covering football games. It permitted students to deliver a brief "invocation and/or message to be delivered during the pregame ceremonies of home varsity football games to solemnize the event, to promote good sportsmanship and student safety, and to establish the appropriate environment for the competition."

The policy went on to describe a procedure for two special student elections each spring. One would decide in a secret ballot whether the majority of Santa Fe High students wanted a pregame "invocation and/or message." The second vote, also by secret ballot, would choose a student volunteer to deliver it. The student who was chosen, like Marian Lynn Ward in 1999, could then decide what to say, as

long as this was "consistent with the goals and purposes of the policy."

The federal district court ordered that only non-sectarian prayers were permitted. On appeal, the U.S. circuit court decided that the policy was unconstitutional. The school board appealed to the U.S. Supreme Court [*Santa Fe Independent School District v. Jane Doe et al.* (2000)].

When this case reached the Supreme Court in March 2000, the justices agreed to decide the following issue: "Whether [the school board] policy permitting student-led, student initiated prayer at football games violated the Establishment Clause." The attorneys for the Santa Fe Independent School District made these main points in their written brief to the Supreme Court:

1. The school board policy does not violate the establishment clause because the decisions whether to have a pregame "invocation and/or message," who will deliver it, and what the student will say is entirely in the hands of students exercising their First Amendment rights.
2. The school board policy is neutral and does not endorse any religion.
3. The student-led "invocation and/or message" could be a prayer, if the student chooses, or, it could be a non-religious statement that conforms to the stated purposes of the school board policy.
4. The school board policy has non-religious purposes such as promoting student free speech and good sportsmanship.
5. The "invocation and/or message" is delivered by a student at a sports event outside of school hours before a mix of students and adults who are attending voluntarily.

The attorneys for the anonymous Catholic and Mormon families made these main points in their written brief to the Supreme Court:

1. The school board policy does violate the establishment clause because using the word "invocation" plus the long tradition of pregame Christian prayers at Santa Fe High football games clearly show a school endorsement of the community's dominant religion.
2. The two-part election procedure in the school board policy leaves little doubt that the views of the religious majority (mainly Baptists) will be imposed on those who hold different beliefs.
3. The school is not neutral and uninvolved since the student-led prayer can only be delivered during the school's pregame ceremony, over the school stadium's public address system, before a crowd assembled on school property for a school-sponsored event.
4. Football team members, band members, and cheerleaders must attend the school's football games. If any of them chose not participate in the pregame student-led prayer, they could be harassed by others both at the game and later on at school.
5. The school board policy is a sham designed to make sure that the longstanding practice of Christian prayers remains an official Santa Fe High School tradition.

POINTS OF INQUIRY

1. What is the establishment clause? What is its purpose?
2. Do you think the establishment clause is important? Explain.
3. What do you think are the strongest arguments on each side in the student-led prayer case?

6 Conflicts

Constitutional democracy can be a messy business. Even though our government is guided by constitutional values and principles, people can disagree about what they mean or how they should be applied.

Although the U.S. Constitution calls for equal protection under the law, conflicts can still arise between groups. Here, mill workers and federal troops face each other in a 1912 strike.

Our society has many different values. For example, we value the rights to privacy, to express ourselves, to freedom of association, to practice our religion, to a free press, and to protections against governmental intrusion. These rights are found in the First, Fourth, and 14th amendments to our Constitution. But what happens if these values come into conflict?

In many cases, reporters investigating a story turn up information that normally is private. By reporting on the story, private information is revealed to the public. Society values both a free press and individual privacy, so a conflict can arise.

There are many such conflicts in a constitutional democracy. We value the right of people to own private property. But sometimes the rights of property owners conflict with the legitimate needs of society. What if a property owner builds a house on his property that blocks the view of other homeowners? What if a property owner's building is sitting on land needed for a military base?

Conflicts can be even more basic. In general, we value individual liberty—the right of people to pursue their own interests as long as they do not infringe on the rights of others. But we have also granted our elected representatives the authority to make laws that sometimes can limit individual liberty. What happens when legitimate authority comes into conflict with individual liberty?

Another conflict can arise when people agree on the basic principles of constitutional democracy, but disagree when it comes to applying them to certain issues. Consider the death penalty. Everyone agrees that taking a human life is wrong. Those who support the death penalty argue that to stop people from murdering, the death penalty is appropriate. Those who oppose the death penalty argue it is wrong for the government to take a life even of someone who has murdered. Both sides support the same basic principles, but have different ideas about how they should be applied to the death penalty.

Conflicts can also arise among groups, each with legitimate interests. Businesses want to provide goods or services to their customers while making as much profit as possible. Organized labor wants to assure adequate jobs, wages, and safety in the workplace. The government needs to regulate commerce and promote the economy for the benefit of the public as a whole.

Throughout our history, the interests of business, labor, and the government have caused conflict. In the 19th and early 20th centuries, business often resisted labor's efforts to organize, sometimes resorting to violence. Labor retaliated with strikes and violence of its own. The government passed laws assuring labor's right to organize, but sometimes acted to end strikes. The government's attempts to regulate business have also led to conflict. Over the years, these conflicts have created many political issues and the passage of many laws.

LESSENING AND RESOLVING CONFLICTS

Fortunately for America's constitutional democracy, most conflicts are resolved politically or by resort to the legal system. On a political level, groups on either side of a conflict often seek to settle the issues by getting the legislature to pass a law. Representatives are contacted and educated about the problem. Groups support the election of candidates who support their point of view. Laws are drafted, debated, and passed. But that does not end the story. Even those who oppose the passage of a particular law are not out of luck. They can continue to work politically to get the law repealed or to pass other laws that will serve their interests. Many groups at one point defeated in the political process have ultimately achieved success.

A classic example is America's long struggle with the issue of the prohibition of alcohol. The "drys," those who wished to outlaw the manufacture and sale of alcoholic beverages, believed that alcohol ruined peoples' health, hurt work productivity, contributed to crime, and destroyed families. For decades, they worked politically for prohibition laws, first at the local level and then nationally. Throughout the process, they persuaded many state and national legislators, particularly Republicans, to support the cause. Finally, in 1919 they succeeded in passing the 18th Amendment to the U.S. Constitution. The "wets," who opposed prohibition, fought the passage of the amendment, but were defeated. For 13 years, prohibition was the law of the land. During this time, the wets continued to oppose the law and tried to influence the political system to repeal the amendment. Ultimately, America's experiment with prohibition failed. It caused more problems than it solved. Many people violated the law by smuggling alcohol, leading to the rise of organized crime. Millions of Americans continued to drink anyway. Finally, in the midst of the Great Depression and with the return of the Democrats to power in Congress, the 18th Amendment was repealed.

The case of prohibition also demonstrates how a "loyal opposition" in America's constitutional democracy helps lessen what could be a destructive conflict. In spite of their strong beliefs, the wets stayed loyal to the political process even after their defeat, as did the drys even after their long-fought-for amendment was repealed. Both sides continued to work politically for what they believed in, but agreed to resolve the conflict using constitutional means.

The legal system provides another way in which conflicts are lessened in America. Courts are called on to interpret the Constitution to resolve conflicts over its meaning. They also interpret laws to determine how a conflict should be resolved.

Finally, American culture itself can help resolve conflicts that might otherwise be divisive and destructive. Despite our differences, we share many things in common. Universal public education gives all Americans a common grounding in core beliefs and approaches to problems. We share many of the same experiences and cultural attributes. Popular cultural activities such as television, sports, movies, and music help bring us together. These factors help us overcome even deep political, economic, and social conflicts through the realization that in spite of our differences, we are all Americans and have a common bond.

POINTS OF INQUIRY

1. What are some examples of conflicts between basic values or principles?
2. Why might people agree on values in the abstract but disagree on specific issues?
3. How have organized labor, business, and government been involved in political conflicts?
4. How have recourse to the legal and political system and the concept of loyal opposition lessened the divisiveness of political conflict in the United States? What other factors have contributed to lessening divisiveness and how have they done so?

Zoning and Eminent Domain

The ownership of property is important to America's system of ordered liberty. Ownership and the right to use property are protected by the Constitution and the law. For example, someone who owns land generally has the right to use the land as he or she sees fit, transfer or sell the land, or borrow money against the land.

At the same time, under the Constitution, governments have what are called police powers. Police power is the right of the federal, state, or local governments to limit the rights of individuals to assure order and the welfare of society. For example, an owner cannot use land to conduct illegal activities or do something that would endanger the neighborhood.

The police power also allows the government to restrict the use of property through zoning laws or force an owner to give up his or her land under the exercise of eminent domain. This power can sometimes conflict with a property owner's rights.

Zoning is a system of land control that gives governments the power to define the use of land in certain areas. Zoning laws are usually enacted by a city or county. The city or county must be given authority by the state, but once this is done, the local government uses its police power to write and enforce its own zoning laws.

Zoning can be used to achieve aesthetic goals or to promote the health, safety, and welfare of the community. Its most basic use, however, is to protect landowners against economic loss by preventing conflicting land use. For example, the value of your house would probably decline if an oil refinery were built across the street. Your home is a residence, and the refinery is an industry. These two uses of land conflict with one another. Zoning laws attempt to separate any conflicting use of land.

Zoning laws deal with conflicting use by establishing a system of priorities based on use value. Usually, housing is considered the most highly valued use of land. All other uses—commercial and industrial, social, even environmental uses—are ranked lower. Housing is assigned one area, shopping centers another, while heavy industry and manufacturing plants are located in a different place. A cement factory can't be built in a residential neighborhood because the noise and pollution would destroy the desirability of the land.

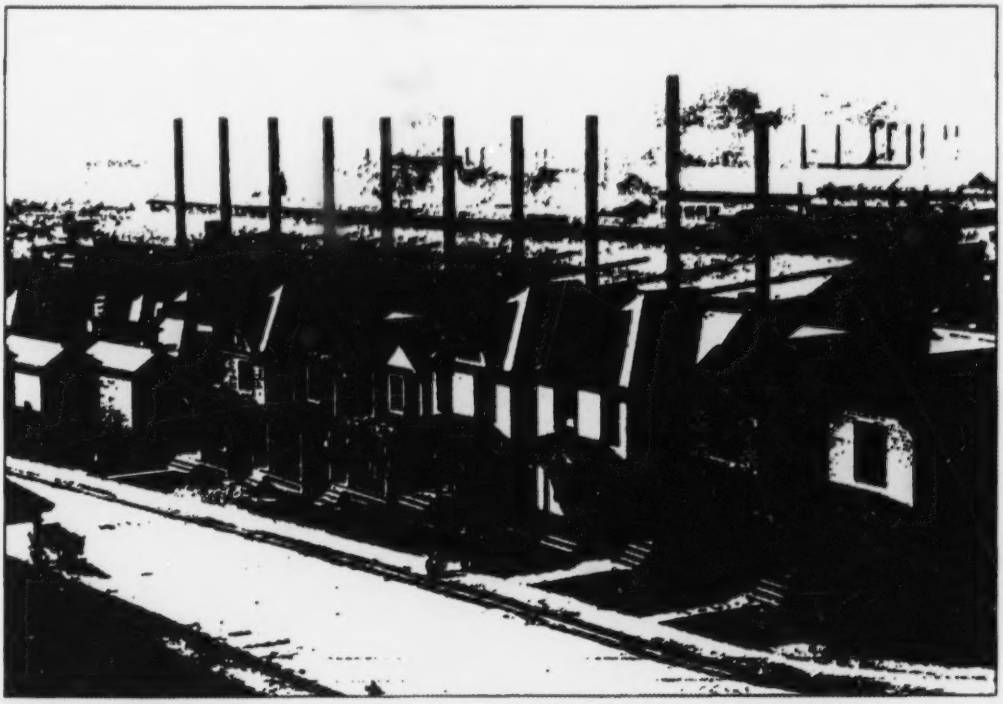
Zoning laws, like other laws, must meet constitutional standards. They cannot violate the clause in the 14th Amendment that requires due process of law. This means that a landowner whose property may be affected by a zoning law must receive notice of the action, must have an opportunity to appear at a hearing about the action, and can challenge the action in court.

Neither can a zoning law violate the equal protection clause of the 14th Amendment. It requires that landowners who are similar be treated similarly. It also prohibits zoning laws from discriminating against property owners on the basis of race or other factors.

Under the power of eminent domain, a government can take ownership of private property if it satisfies two conditions stated in the Fifth Amendment. First, it must be for a "public use." For example, a city government might want to take private property to build or expand a park, build a highway, or construct a hospital. The second condition is that it pays "just compensation" for the property taken. Much litigation takes place in courts over eminent domain. Most of it concerns whether a government is offering just compensation for the property.

Governments sometimes use the power of eminent domain to protect the environment. Taking land for environmental reasons generally falls under two categories: (1) controlling pollution and (2) preserving natural areas. Both types of taking can be highly controversial and sometimes go beyond the scope of local government.

The San Jacinto and Santa Rosa mountain ranges of California are home to wild animals including bighorn sheep, desert tortoises, mountain lions, and golden eagles. These slopes are also popular recreation areas for hikers and nature lovers. In recent years, these same mountains have also been considered as



Present-day zoning laws prevent conflicting land use. In this early 20th-century industrial community, homes were built adjacent to factories without regard for property use or public health.

possible locations for luxury homes, tourist resorts, and golf courses.

Concerned about the loss of these wilderness areas to developers, local citizens persuaded a member of Congress to propose that the San Jacinto and Santa Rosa mountains be designated as a national monument. The nearby city of Palm Springs and a group of private property owners opposed the bill, believing the monument would deprive the area of needed economic opportunity. Represented by a second Congressman, they tried to amend the proposal to protect the rights of private property owners whose land would be taken by eminent domain.

The national monument bill changed daily. Environmental groups called for stricter protections and expanded boundaries. Developers and city officials sought to strengthen the rights of property owners and limit the amount of money available so less land could be acquired. Eventually a compromise was struck that established the national monument, but limited the land taken by eminent domain and allowed air traffic into Palm Springs to fly over the nature preserve.

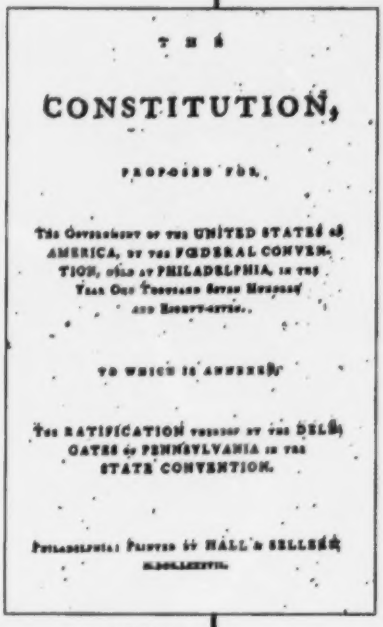
POINTS OF INQUIRY

1. What are some rights usually associated with the ownership of property?
2. What provisions of the Constitution help protect property owners? What power does the government have to protect the interests of the general public?
3. How do zoning laws reduce conflict over land use?
4. When is just compensation called for under the Fifth Amendment?

7 National Government and Taxation

The organization and powers of the national government are outlined in Articles I to III of the U.S. Constitution.

Article I vests all legislative power in a Congress made up of two houses: the Senate and the House of Representatives. Members of the House serve for two years and must be U.S. citizens for seven years and at least 25 years old when elected. Each state gets to elect a certain number of representatives depending on the size of its population. Currently, there are 535 representatives. The House selects a speaker and has the sole power of impeachment.



THE

CONSTITUTION,

PROPOSED BY

THE CONVENTION OF THE UNITED STATES OF AMERICA, BY THE FEDERAL CONVENTION, HELD AT PHILADELPHIA, IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND EIGHTY-SEVEN.

TO WHICH IS ANNEXED,

THE RATIFICATION VOTED BY THE DELEGATES OF PENNSYLVANIA IN THE STATE CONVENTION.

PHILADELPHIA: PRINTED BY HALL & SELLERS. M,DCC,LXXXVII.

In addition to protecting the rights of its citizens, the U.S. Constitution also describes the structure of the federal government.

Members of the Senate serve for six years and must be at least 35 years old and U.S. citizens for nine years. Each state gets to elect two senators. Currently, there are 100 senators. The vice president serves as president of the Senate, but may only vote in the case of a tie. The Senate chooses its officers including a temporary president to take over when the vice president is absent. The Senate tries all cases of impeachment.

All bills for raising money or taxes must originate in the House. A bill is a proposed law. All other kinds of bills can begin in either house. Both houses of Congress must pass a bill by a majority vote before it is sent to the president of the United States for signing. If the president signs the bill, it becomes law. If he or she does not, the bill is returned to the house that originated it with the president's objections. This is called a veto. If that house passes it by a two-thirds vote, it goes with the objections to the other house. If that house passes it with a two-thirds majority, it becomes law. If not, it is rejected.

In general, Congress has the power to tax and raise revenues, pay the government's debts, and provide for the defense and welfare of the country. Its domestic powers include the right to borrow money, regulate commerce, maintain a monetary system, and establish federal courts inferior to the Supreme Court. Its military and foreign affairs powers include the right to raise and support land and naval forces, declare war, and regulate immigration. In addition, Congress has the right to make all laws "necessary and proper" for carrying out all of its powers.

THE EXECUTIVE BRANCH

Article II vests the executive power in the president of the United States. The president and vice president are elected every four years, but not by popular vote. Instead, they are chosen by a system of electors, sometimes called the electoral college. Each state has a number of electors equal to the combined number of senators and representatives in the state. The electors are chosen by the party whose candidate wins the popular vote in that state. The electors then vote for the presidential candidates, and the one with the majority of votes becomes president.

To be president, a person must be at least 35 years old, be a natural-born citizen, and have resided in the country for at least 14 years.

The president, besides being the chief executive of the country, has numerous powers. The president is commander in chief of the army and navy. The president, with the advice and consent of the Senate, appoints ambassadors, Supreme Court justices and federal court judges, and many major officers of the U.S. government.

The president presides over the cabinet departments of government: State, Defense, Justice, Education, Commerce, Labor, Energy, Health and Human Services, Interior, Agriculture, Housing and Urban Development, Treasury, and Transportation. Each is headed by a secretary appointed by the president.

In addition, the president supervises independent executive agencies separate from the

cabinet departments. Among the best known are the U.S. Postal Service, the Veterans Administration, and the National Aeronautics and Space Administration (NASA). Each of these agencies tends to focus on one major function or task.

THE JUDICIAL BRANCH

Article III vests judicial power in the U.S. Supreme Court and lower federal courts created by Congress. The federal court system has three main levels.

The Supreme Court is made up of one chief justice and eight associate justices. Justices are appointed by the president and confirmed by the Senate. The Supreme Court hears cases appealed to it from lower federal courts or from state supreme courts when their cases have federal questions.

The next level consists of the 13 U.S. Courts of Appeals. Each Court of Appeals hears cases that arise in one of the country's judicial circuits. Courts of Appeals have between six and 30 judges depending on the caseload of the circuit. These are appellate courts and only hear cases from lower courts.

The trial level of the federal court system consists of 91 district courts. These courts conduct trials on all federal criminal and civil matters.

In addition, the federal government has independent regulatory commissions and agencies such as the Federal Communications Commission (FCC), the Federal Trade Commission, and the Securities Exchange Commission (SEC). These agencies regulate aspects of social and economic life. For example, the FCC regulates radio and television broadcasting, and the SEC regulates stock trading. These agencies have legislative, executive, and judicial powers. They make federal rules regulating the industry, they enforce existing federal rules, and they determine whether rules have been violated.

THE IMPACT OF THE FEDERAL GOVERNMENT

The policies and practices of the federal government affect the everyday lives of American citizens. If the Federal Reserve Board raises the amount the federal government will charge on loans to banks, mortgage rates increase around the country. If Congress decides to establish a new trade policy, it can affect the amount Americans pay for goods from around the world. Decisions of the president and the National Security Council can send troops abroad and activate the National Guard.

Some people believe that the federal government is too powerful and intrudes into the lives of Americans. They argue that the costs of government are too high, causing Americans to pay high taxes. They argue that the federal government should stay out of certain areas such as health care, education, and child care. Control of these functions should be left to local government or private enterprise.

Others believe that the federal government needs to be strong to meet the nation's domestic needs and to promote American interests around the world. They argue that while Americans pay significant taxes, they also receive important services. They point out that the American tax burden is lower than that of most industrialized nations. They contend that the federal government must be involved in education, health care, and child care so that all Americans, no matter their economic condition or where they live, receive basic services.

The debates over the size and power of the federal government are ones of degree. Though arguments will continue over the federal role in various sectors, most people agree that the world's most powerful country needs a strong national government.

POINTS OF INQUIRY

1. What is the purpose and organization of each of the three branches of the federal government?
2. Name two independent federal regulatory agencies. What does each do? What functions does each have?
3. How can the government's foreign and trade policies affect the lives of ordinary citizens?
4. What are some pro and con arguments over involving the federal government in solving domestic problems such as education, health care, and child care?

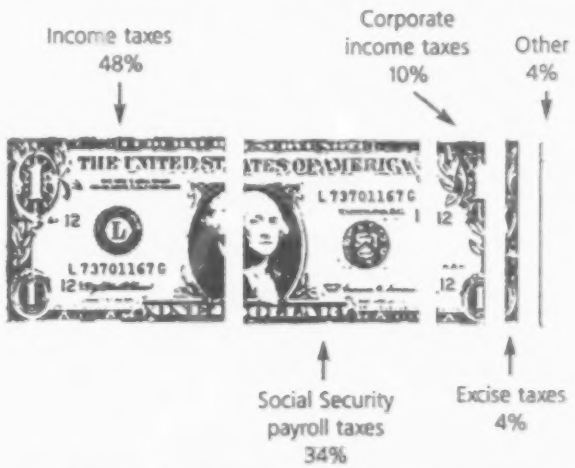
Tax Debates

"Taxes are what we pay for civilized society."

—Oliver Wendell Holmes Jr.

Some say that the power to tax its citizens is the measure of a government's legitimacy. One reason that the nation's founders met to draw up the U.S. Constitution was money problems. The young American government had battled its way to independence from Great Britain, but had no power to raise money to pay its bills. Under the Articles of Confederation, the U.S. government did not have the power to tax American citizens. Article I of the U.S. Constitution includes instructions on how the nation's citizens should be taxed.

THE FEDERAL DOLLAR: WHERE IT COMES FROM



Before 1913, federal revenue was raised largely from taxes on the importation and sale of goods. Today, government collects taxes from a variety of sources.

In 1913, the 16th Amendment to the U.S. Constitution was ratified. It allowed Congress to establish the income tax. Before 1913, most federal revenues were raised from taxes on goods—tariffs on imported products and excise taxes on items like whiskey. The burden of these taxes fell heavily on working Americans, who spent a much higher percentage of their income on goods than rich people did.

When a tax takes a larger portion of a poor person's income than a rich person's income, economists refer to it as regressive. In contrast, the U.S. income tax is called progressive because it is a graduated tax: Individuals with a higher annual income are taxed at a higher rate than individuals with low incomes. In 1999, for example, income tax rates for single persons began at 15 percent for annual incomes from $0–$25,750 and moved steadily upward until the federal government took nearly 40 percent of an annual income of $280,000 or more.

For more than a century in the United States, state and local taxes far exceeded the revenues collected by the federal government. In the 1930s, President Franklin D. Roosevelt's New Deal legislation relieved many Depression-era hardships by providing social services for millions, but this legislation also greatly increased the amount of money needed by the federal government. World War II also hiked up the federal budget. By 1947, federal revenues were three times greater than all state and local revenues combined. Currently, the federal government takes two dollars in tax revenue for every dollar taken by the state to meet a federal budget of $1.8 *trillion*.

Where does the money come from to run the federal government? Individual income taxes bring in the most revenue, providing a 48 percent slice of the federal revenue pie. Social Security taxes, also taken from people's wages or salaries, run a close second, bringing in 34 percent of federal revenue. Taxes on corporations create 10 percent of federal revenue, federal excise taxes contribute 4 percent, and other taxes bring in the final 4 percent. (Property taxes, business taxes, and most sales taxes remain the domain of state and local government.)

The individual taxpayer's burden has increased since the graduated income tax was initiated in 1913. For example, in 1958, an average family paid about 14 percent of its income to the federal government in income taxes. In 1998, the same family paid about 25 percent of its income to the Internal Revenue Service, the federal agency in charge of taxation. This high percentage raises questions about the size of the tax burden, from whom taxes should be collected, and what the government uses the funds for. Arguments for—and against—tax reform abound in Congress. There are a number of proposals that have been put forth in recent years.

NATIONAL SALES TAX

This plan would impose a sales tax on the purchase of most products and services (except basic necessities like food). National sales tax planners suggest that the government abolish the income tax and the Internal Revenue Service. Other taxes on financial holdings and transactions such as the estate tax, which taxes inheritances, would also be abolished.

The great advantage to this tax plan is its simplicity. There would be no complex tax forms to file. Frugal spenders would be rewarded by paying less in taxes. People would be able to save more income, and corporations and businesses would only have to pay taxes on their expenditures, potentially lowering overhead. Imports would face the same sales tax, thus improving the balance of trade.

Opponents to the national sales tax plan argue that a national sales tax would be regressive: It would put an unfair burden on low-income families who pay out a larger percentage of their income for consumable items. Critics also point out that state and local governments would also have to adjust their tax-collecting methods, most of which are modeled on the way the federal government collects money. In addition, say critics, a tax plan of this scale would be difficult to enforce.

THE FLAT TAX

This plan would establish a single income-tax rate for all income levels. A family whose income totaled less than $25,000 would be exempt from taxation. All deductions including mortgage interest and other homeowners' deductions would be eliminated. Tax returns would be completed on a single-page form easily processed by the IRS.

Advocates point to the simplicity of a system that calls for a single (or flat) tax rate for all taxpayers. They see the current code as complex and wasteful. Many believe that for a tax code to be fair, individuals should not be discriminated against for having more income.

Opponents of the flat tax call the system regressive. Because a flat tax would take more money proportionally from people at lower income levels, critics consider it unfair. Some estimates show that the typical family would pay close to $2,000 a year in additional taxes under the flat tax. Very rich people, however, might get tax cuts averaging more than $50,000 each. Critics also point out that many homeowners depend on tax breaks such as mortgage deductions to balance their budgets.

VALUE-ADDED TAX

Most European countries raise substantial amounts of revenue with a value-added tax. This is a form of national sales tax collected by the government at every stage goods are produced and distributed. It is ultimately a sales tax because manufacturers and businesses add the cost of the tax to the price that the consumer finally pays. Some European countries have a value-added tax rate of nearly 40 percent. To equal federal revenue now raised by the graduated income tax, the United States would have to have a value-added tax rate of at least 25 percent. This would show up in substantially higher consumer prices, although some products like basic food items could be exempted or taxed at lower rates. While collecting the value-added tax from manufacturers and businesses would probably expand the IRS bureaucracy, individuals would have no annual tax returns to file or income tax to pay.

POINTS OF INQUIRY

1. How has the method of raising money through taxation for the federal government changed over the years?
2. What is the difference between a "regressive" and a "progressive" tax?
3. Which of the following income taxes—a, b, or c—do you think is most fair? Explain your answer.
   a. Everyone pays the same amount, e.g., $5,000.
   b. Everyone pays a flat rate, e.g., 15 percent.
   c. Everyone pays a progressive rate, e.g., on the first $20,000, the rate is 5 percent, on the next $80,000, the rate is 15 percent, and on everything above $100,000, the rate is 25 percent.

8 State and Local Government

Under the U.S. Constitution, state governments are prohibited from exercising certain powers. They cannot interfere with interstate commerce or travel. The cannot pass laws that violate the 14th Amendment. In return, the national government cannot abolish a state.

Under the 10th Amendment to the Constitution, all powers not delegated to the national government or prohibited to the states are reserved to the governments of the states. These are called the reserved powers. They include the right to pass laws on public safety, marriage and divorce, education, and fair elections. States can also regulate business within the state, license drivers, and set up standards for professionals practicing within the state. In addition, state governments can charter regional and local governments such as counties and cities.

In this rural community, a city hall and U.S. Post Office share the same building, but report to different authorities.

States also have what are called concurrent powers. These are powers jointly held with the federal government. They include the power to tax, regulate trade and industry, borrow money, maintain courts, and protect the environment.

STATE GOVERNMENT

Similar to the federal government, state government is organized under a constitution. Some state constitutions are similar to the federal Constitution; others are very lengthy and provide hundreds of pages describing the details of government.

Most state constitutions start with a preamble. The preamble describes the purpose of the constitution and its government.

All state constitutions include a bill of rights. Many are modeled on the federal Bill of Rights that is part of the U.S. Constitution, but many contain additional rights. For example, some constitutions specifically protect privacy or the rights of the disabled.

Like the federal Constitution, state constitutions describe how government is organized. The executive power of the state is held by the governor and other state officers such as the lieutenant governor, secretary of state, state auditor, and state attorney general. These officers are either elected by the people or appointed by the governor. The governor shares executive power with the other state officers.

The legislative power of state government is held by the state legislature. Like the federal government, all but one state has two legislative houses, a bicameral system. (Nebraska has only one house—a unicameral system.)

The judicial power of state government is held by the state court system. At the top of the system is the highest appellate court, often called the Supreme Court. Next come the appellate courts, often called the Courts of Appeals. Trial courts exist at the county and municipal levels.

Every state constitution, like the federal Constitution, contains a section describing how it can be amended. Methods for amending state constitutions vary. Usually, they involve a proposed amendment made by the legislature or a convention. Some states allow proposed amendments by popular initiative. Backers circulate petitions among the voters. If an initiative receives enough signatures on the petitions, it qualifies for the ballot. Whether an amendment is proposed by the legislature, convention, or popular initiative, it must be approved, or ratified, by a popular vote.

LOCAL GOVERNMENT

For most Americans, local government has the most influence on their daily lives. It is usually responsible for law enforcement, building codes, trash pickup, sewage disposal, parks and recreation facilities, street repair, and hundreds of other things that impact us daily.

Local governments are created by state government. There are a number of different types of local government.

In most states, the county is a basic unit of local government. State territory is divided into counties, and each county has its own government. Counties are established by charter, an agreement with the state. Local residents form the government under rules set by the state. Counties are often governed by a board of elected officials, each of whom usually represents part of the county. The county board has both legislative and executive powers.

Another basic unit of local government is the municipality, or city. State governments set rules for establishing cities. Usually, a state demands that proposed cities meet a minimum population requirement before their residents may create a city charter. Often a vote of the residents is required. Once a city has met all of the state's requirements, it becomes incorporated. This means that its government has the legal right to exert its authority by making and enforcing laws, raising taxes, and borrowing money.

Another common unit of local government is the special district. Special districts are established to provide a specific service or to deal with a particular problem. The most common special district is the school district, which oversees public education in a given area. Other common special districts are established to provide water, sewage treatment, or environmental protection to a particular area. Special districts are governed by a commission or board made up of elected officials. Special districts are efficient because they can concentrate on only one aspect of government, and they can operate to meet the needs of residents in more than one county or city.

The variety in local government has tended to spur experimentation and innovation.

Because local governments are close to the population they serve, they can tailor policies and programs to meet specific needs. During the Progressive era, it was state governments that created the popular initiative, referendum, and recall. In recent years, local governments have been credited for making improvements to the welfare system, improving voter registration, initiating recycling programs, and experimenting with revenue sharing.

State and local governments also have developed methods for making government more accessible to citizens. Many require that citizens receive fair and public notice of meetings, that government meetings be open to the public, and that citizens have a right to be heard at government meetings.

FEDERAL OR STATE AND LOCAL?

Debates have arisen about the relationship of the federal government to state and local governments. Over time, the power and scope of the federal government has increased. Before the Civil War, the role of the federal government was very small. By today's standards, the government itself was tiny. After the Civil War, the size and power of the federal government increased, especially in the West where federal territories were established.

Throughout the Progressive era, Congress grew more willing to regulate various industries. With the passage of the income tax amendment in 1913, the federal government gained a new revenue source. During World War I, the Depression, and especially World War II, the size of the federal government increased dramatically to address economic and defense problems. Rulings of the U.S. Supreme Court permitted the federal government to exercise greater power to regulate commerce and enforce civil rights. In some cases, this exercise of power intruded into areas traditionally handled by state and local government.

As a result, the relationship between the federal government and state and local government has changed. Today, state and local governments depend more on federal revenue to deliver services. To receive federal money, state and local governments must follow policies and rules set in Washington.

Critics argue that the huge federal bureaucracy that has resulted is wasteful and inefficient.

They maintain that the national government cannot effectively address local needs or concerns. They believe that state and local government are better able to identify local needs and set appropriate policies. They complain that federal legislation to build highways and public works, prevent crime, or improve the environment often comes with mandates requiring states to pass laws acceptable to the federal government or lose federal money.

Others argue that state and local governments lack the resources or the will to deal with many of society's problems, especially those related to economic disparity. They argue that all Americans—no matter where they live—should have the same basic benefits and opportunities as all other Americans. They point to the historical realities that some states and local governments allowed discrimination to persist. Without a strong federal presence, they worry that many problems would go unaddressed or even get worse.

POINTS OF INQUIRY

1. How does the U.S. Constitution limit the powers of states? How does the Constitution limit the power of the federal government over the states? What are reserved and concurrent powers? Give examples of each.
2. In what ways do state and local governments provide opportunities for experimentation and innovation?
3. How have many state and local governments made themselves more accessible to citizens?
4. How has the federal government changed since the nation's founding? What are some arguments for and against this change?

Welfare

Welfare is one of the best examples of the changing relationship between the federal government and state and local governments.

When Congress and President Clinton approved the Personal Responsibility and Work Opportunity Act in 1996, they ended a 61-year federal welfare system that guaranteed cash and other benefits to needy families. In a move that reversed the trend toward more federal government control, the states were given responsibility to develop their own programs to move welfare recipients to work.

The federal welfare system began in the 1930s during the Depression and grew steadily. When the federal Aid to Families with Dependent Children (AFDC) program began in 1936, it provided cash aid to about 500,000 children and parents. By 1969, the number had grown to nearly 7 million.

Over the years, Congress added new programs. President Lyndon B. Johnson's War on Poverty provided major non-cash benefits to AFDC recipients as well as to other needy persons. In 1964, Congress approved a food-stamp program for all low-income households. The next year, Congress created Medicaid, a federal and state funded health-care system for disabled persons, the destitute elderly, and AFDC families. In 1974 during the Nixon presidency, Congress established the Supplemental Security Income (SSI) program to provide aid to the needy elderly, blind, and disabled. This program made up the last major component of the federal welfare system.

By 1994, more of the nation's needy families, elderly, and disabled received federal welfare than ever before. Aid to Families with Dependent Children alone supported more than 14 million children and their parents. But as the welfare system grew, so did criticism of it.

THE PROBLEM: A WELFARE TRAP?

Aid to Families with Dependent Children had drawn the greatest criticism of the four major federal welfare programs. By the 1990s, AFDC supported 15 percent of all U.S. children. In most cases, these children lived at home and were cared for by a single parent, usually the mother, who otherwise did not work. This

situation brought on complaints that welfare let able-bodied adults avoid work and grow dependent on what were referred to as "government handouts."

Criticism of the AFDC program was further fueled by cases of children who grew up in families where no one ever had a paying job and who themselves became dependent on welfare as adults. Moreover, the AFDC program generated a vast bureaucracy, overlapping services, and endless regulations. All this placed an increasing burden on the nation's taxpayers (although AFDC made up less than 1 percent of the federal budget).

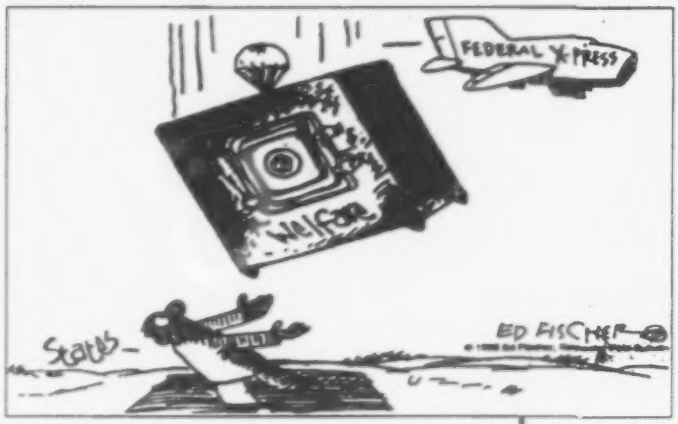
Others, however, saw welfare more positively. Although the program was not perfect, AFDC provided a relatively inexpensive safety net, which prevented people from falling into extreme poverty. Many of the people helped by welfare only needed it for a limited time. Those who needed it longer were usually those with few skills, learning disorders, or other disabilities.

WELFARE TO WORK

When Democrat Bill Clinton campaigned for president in 1992, he proposed that anyone receiving welfare should go to work within two years. In August 1996, after 18 months of debate, Congress passed the Personal Responsibility and Work Opportunity Act. President Clinton immediately signed the bill into law. The new law turned over to the states the authority to design their own welfare programs and the responsibility to move recipients to work.

Under the new law, AFDC was replaced by the Temporary Assistance for Needy Families program, funded by federal grants and state money. States are given wide discretion in determining eligibility and the conditions under which families may receive public aid. But Congress tied a number of strict work requirements to the federal grants:

- Adults receiving family cash-aid benefits must go to work within two years. States may exempt a parent with a child under 1 for no more than 12 months.
- States had to have 25 percent of their welfare caseloads at work in 1997 and 50 percent of their caseloads at work by 2002.



States that fail to meet these requirements will lose 5 percent of their federal block grants.

- Each adult is limited to no more than five years of cash assistance during his or her lifetime. But states may exempt up to 20 percent of their caseloads from this limit.

THE STATES TAKE CHARGE

Moving hundreds of thousands of people from welfare to work requires hundreds of thousands of jobs to be open. When jobs aren't available, local and state governments may have to create community-service jobs like cleaning public parks. Many welfare recipients are poorly educated, have few job skills, and lack the experience and discipline of going to work on a schedule. Thus, they may need extra help and training in getting and holding on to a job. Moreover, going to work costs money. Child care has to be paid for, clothing purchased, and transportation arranged.

Wisconsin is probably the most advanced in moving welfare recipients to work. Before Congress acted in 1996, the state had already begun major welfare reforms on its own. Wisconsin's Republican governor, Tommy Thompson, together with Democrats in the state legislature, vowed to abolish welfare by 1999. (In 2001, President George W. Bush appointed Thompson to head the federal government's Department of Health and Human Services.)

Wisconsin's welfare-reform effort, called "Wisconsin Works," has the nation's strictest work requirements for adults receiving public aid. By the end of 1997, all adult welfare recipients had to be involved in some work-related

activity. Even so-called "unemployables," like the mentally ill and drug addicts, had to report to therapy or rehabilitation sessions to try to make themselves job-ready. Only mothers with newborns under 3 months old were temporarily exempted from going to work. New welfare applicants had to first look for a job before collecting any cash aid. As a result of these requirements, Wisconsin succeeded in cutting 60 percent of its welfare caseload by the end of 1997.

The success of Wisconsin Works relies on requiring welfare recipients to go to work and providing them with support as they make the transition from dependency to independence. Wisconsin pays for both child care and medical services for all low-income working families. The state also provides job training, helps pay the wages of certain workers in "trial jobs," and places those who cannot get hired into community-service work.

Moving people from welfare to work in Wisconsin is expensive. The state's welfare budget is currently running 40 percent higher than it did under the old AFDC program despite the steep drop in the welfare caseload. Typically, a mother with two children who now works at a minimum-wage job and also receives food stamps, child care, health insurance, and tax credits from the government receives the equivalent of about $16,500. Under AFDC, she would have received $9,500. The current U.S. poverty-level income for a family of three is $13,330.

Other states are creating their own pathways to move people from welfare to work. Some, like Connecticut, allow a person to keep receiving a welfare check while also collecting a paycheck until the work income rises above the national poverty level. Other states impose severe penalties. For example, Mississippi is experimenting with cutting off all cash and food-stamp benefits to families who do not comply with the new work requirements.

EARLY RESULTS

Because just a few years have elapsed since President Clinton's Personal Responsibility and Work Opportunity Act was passed into law, it is difficult to evaluate the program's effectiveness. Moreover, welfare-reform programs vary from state to state, making comparisons difficult.

Research studies have used different data, sometimes giving rise to conflicting conclusions. For example, in California, one research group found that most aid recipients who participated in Los Angeles County's welfare-to-work program move from one low-wage job to another, earning incomes that keep them below the poverty line. One month earlier, however, another research group found that participants in Los Angeles County's welfare-to-work program were more likely to get jobs and earn higher wages than those not enrolled in the program.

A White House study found that by the end of 1998, all 50 states had moved at least 35 percent of the nation's welfare recipients from welfare to work. But national research also showed that most poor children in welfare families were no better off than they were before the welfare-reform effort: Child care is hard to find, many mothers do not know about child-care subsidies, and many children are placed in low-quality child-care settings. Recent statistics from Wisconsin showed that 38 percent of the state's former welfare recipients were still unemployed after they were forced off the welfare rolls. This contradictory information reveals that welfare reform is a complex multi-faceted challenge that is too new to evaluate clearly.

POINTS OF INQUIRY

1. When was the federal welfare system originally established? Why was it established?
2. In recent years, what criticisms were leveled at the federal welfare system? What finally happened to the system? Do you believe this was a good idea? Why or why not?
3. Why might it cost more to move welfare recipients into jobs than to maintain the old AFDC system that did not require work? If this proves to be true, do you think it would be worth the cost? Explain.
4. Do you think that the nationwide welfare reform effort is generally too harsh on poor people, too lenient, or just about right? Give reasons for your answer.

The Role of the Judiciary

9

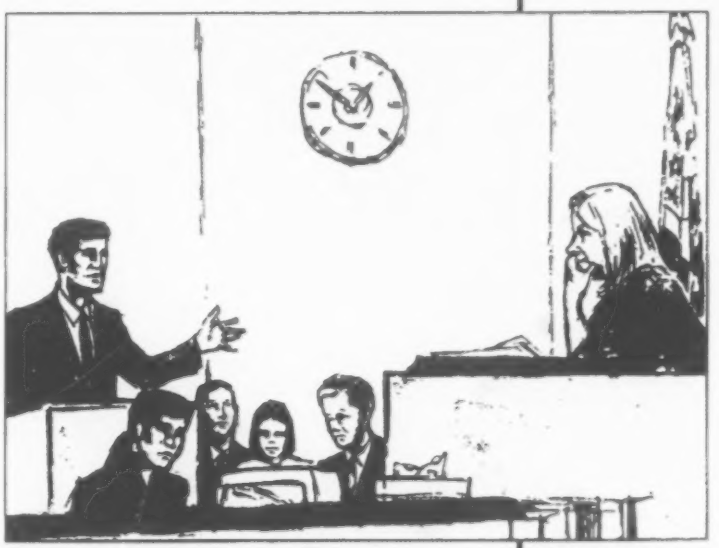
For the American constitutional system to work, citizens must accept the idea of ordered liberty. This means that citizens must agree to exercise their liberty within the rule of law. Without the rule of law, the rights of an individual could easily be denied by the government or fellow citizens. The rule of law protects individual rights, sets limits on actions that might interfere with those rights, settles conflicts that could cause harm, and punishes wrongdoing.

The rule of law has always played a central role in our constitutional system. The Constitution consists of laws designed to define governmental power and place limits on that power. The judicial branch has the power to make sure that laws passed by Congress do not violate the Constitution. The executive branch must comply with and enforce the laws passed by Congress.

The rule of law in the United States embodies two great principles of justice: equal protection and due process. Equal protection seeks to provide everyone with the same opportunity and fair treatment, regardless of race, religion, ethnicity, national origin, gender, sexual orientation, or physical capacity. It means that all people should have the right to compete equally for society's benefits such as jobs, government contracts, housing, and public accommodations.

Due process requires that police and courts follow fair procedures when enforcing the law and making judicial decisions. Due process in law enforcement, for example, requires police to have certain grounds to make arrests, warn people about their rights when arrested, and not use excessive force. Courts, for example, must give people accused of crimes adequate notice of the charges and hearing dates, the right to an attorney, and the right to confront witnesses. Certain due process rights also apply to legislative and administrative actions. Without due process rights it would be much easier for government to overstep its authority and violate individual rights.

Federal, state, and local courts handle all constitutional, criminal, and civil cases. Criminal courts try people accused of committing crimes, everything from murder to shoplifting. Civil courts try a wide variety of cases—contract disputes, torts (civil wrongs such as negligence and fraud), landlord-tenant conflicts, and claims that parties have violated civil laws (such as bans on discrimination in housing). Federal, state, and local law-enforcement agencies, such as the FBI and state and local police, enforce the law.



The courts are empowered to resolve a wide variety of constitutional, civil, and criminal issues.

Citizens rely on America's extensive judicial and legal system to pursue wrongdoers, resolve conflicts, and interpret the law. Some critics believe that Americans file too many lawsuits and resort to the legal system when other means are available such as negotiation, mediation, or legislation. They argue that America's legal system is enormously costly in time and money. They worry that huge verdicts and lawyers' fees raise the costs of goods and services to consumers. Others defend the system. They argue that it offers the best chance of a fair result in resolving disputes and setting standards for future conduct. The costs of the system are necessary, they argue, because law and legal procedures can be complex, requiring both time and expertise. They maintain that huge verdicts are relatively rare and can be modified through appeal.

In New York City, hundreds died in draft riots during the Civil War.

BREAKDOWN IN THE RULE OF LAW

Americans do not always adhere to the rule of law. During America's Western expansion, vast territories had little or no effective law enforcement and no established courts. Settlers fended for themselves and were often the victims of thieves, robbers, and murderers. In some cases, vigilante organizations arose to establish order. Unfortunately, in some cases vigilantes themselves broke the law and were more a destructive force than a positive one. In many areas of the South after the Civil War, the Ku Klux Klan and other hate organizations terrorized black citizens and denied them their rights. Local authorities often looked the other way or, in some cases, even aided the terrorists. Thousands of black Americans suffered, some were lynched, many were beaten.

American cities, too, have suffered periods of lawlessness. The draft riots in New York City during the Civil War left hundreds dead. With the passage of Prohibition, millions of Americans ignored the law and went on consuming and buying and selling alcohol. This led to the rise of organized crime, which supplied illegal alcohol and bribed public officials and law-enforcement officers not to prosecute the lawbreakers. Even after the end of Prohibition, organized crime in many American cities continued to thrive, branching out into gambling, extortion, and other criminal activities.

Sometimes judicial protections have been denied to certain citizens. In early America, women had few legal protections. As slaves, black Americans were denied access to courts for most purposes, and in some regions of the country, African Americans had fewer legal protections well into the 20th century. During World War II, thousands of American citizens of Japanese descent were forced without due process into internment camps because they were considered security risks. Throughout our history, because of the high cost of legal services, many poor people have lacked the means to take advantage of the judicial protections that exist.

Fortunately, many of these injustices have been addressed. Today, women have the same legal rights as men. Because of the civil rights movement, African Americans enjoy greater legal rights than ever before, though problems of discrimination persist. Congress recognized the injustice of internment and passed laws apologizing and granting reparations to Japanese Americans who had been forced into the camps.

JUDICIAL REVIEW AND INDEPENDENCE

Central to the American legal system is the state and federal courts' power of judicial review. This means that courts can review the actions of the executive, legislature, and lower courts to determine whether they are lawful and constitutional. By being able to check the actions of government, the power of government is limited. Some critics argue that the power of judicial review is undemocratic because judges can overturn the actions of the legislature, which is elected by the people.

Federal judges and many others are not elected, but appointed. Why, ask the critics, should judges have the right to frustrate the will of the people?

Others view the power of judicial review as essential to American constitutional democracy. Without it, they argue, government power could be used to violate minority rights and constitutional principles. The system needs an institution that can stop such violations; the courts serve that function. To be effective, judges must not be subject to political pressure from majority interests.

The framers of the Constitution insisted on an independent judiciary, one that had the power to check the other branches and that would not be swayed by shifts in public opinion. For this reason, federal judges are appointed for life terms. Having to face elections and the realities of politics could influence judges to make decisions that would please the majority rather than serve the Constitution or minority rights.

POINTS OF INQUIRY

1. What is the concept of ordered liberty? How does it protect the rights of citizens?
2. What are some practices illustrating the central place of the rule of law in our constitutional system? What are some examples of events or practices in our history when the rule of law broke down? What are examples of judicial protections being denied to citizens?
3. How does the legal system help preserve people's rights? Do you think Americans resort to lawsuits and the legal system too much instead of using other means like negotiation or mediation? Explain.
4. Do you believe judicial review belongs as part of the American system of constitutional government? What are arguments against it? In favor of it? Which do you agree with? Why?
5. What is equal protection of the law? What is due process of law? How are both of them crucial to the rule of law?

Independent Judiciary

When trial judges preside over lawsuits and criminal trials, they make many legal rulings: Should this evidence be admitted? Should this objection be sustained? What law applies to this case? Is the law constitutional? If a party appeals, appellate court judges review these rulings. All judges—trial and appellate—are supposed to be fair and impartial. When judges interpret and apply the law, they must base their decisions on statutes, Constitutional law, and prior court cases. They must never be swayed by politics or popular opinion. The rule of law and our democracy depend on an independent judiciary.

The U.S. Constitution attempts to ensure judicial independence. All federal judges are appointed by the president, confirmed by the U.S. Senate, and serve for life. Under the Constitution, there is only one way that federal judges can be removed: The U.S. House of Representatives can vote to impeach any federal judge for "treason, bribery or other high crimes or misdemeanors." The judge is then tried by the Senate. To remove the judge, two-thirds of the Senate must vote to convict. Only 13 federal judges in our history have been impeached by the House. Seven have been convicted by the Senate. All have been impeached for alleged criminal behavior. None has ever been convicted for making unpopular decisions or for holding an unpopular judicial philosophy.

But most judges in the United States are not members of the federal judiciary. Most serve on state courts. And unlike federal judges, most state judges have to face the voters. The question arises: How can states preserve judicial independence and still make judges accountable to voters?

In many states, voters can recall judges that they believe do not belong on the bench. People opposing a judge must get a certain number of signatures on recall petitions. Then the judge's name is put on the ballot and voters decide whether they want to retain or recall the judge. If a majority votes to recall the judge, then the judge must be replaced—either by election or appointment, depending on the state.

About 20 states hold direct elections for judges. This means that judges run for office. This allows voters to elect judges in their district instead of the governor appointing every judge. But it also has drawbacks. Judges must raise money for campaigns, often from lawyers who will appear before them. That gives the appearance that lawyers are paying for favoritism. Judicial campaigns in themselves are problematic. Judges can't make campaign promises that they will rule in a certain way. That would make the judge biased. Bringing judges into the political process can make them seem less neutral in the courtroom.

In 1986, California voters ousted Chief Justice Rose Bird in a retention election.

For these reasons, most states have moved away from direct election of judges. In these states, the governor usually appoints all state appellate court judges and most trial court judges. In some states the governor makes selections from a list prepared by a judicial commission, which searches for the most qualified judicial candidates.

But most of these states still require judges to face voters. Appellate judges usually go on the ballot in the next general election after being appointed. These are called retention elections, because voters get to decide whether or not to retain the judges. No one can run as a competing candidate. Citizens simply vote "yes" or "no" on retaining each of the judges. If voters retain them, they serve what remains of their 12-year term of office and then stand for election to a full 12-year term. Trial judges also go before the voters in the next general election after their appointment. But their terms are shorter, typically six years. And in some states, opponents can run against them.

This system has generally shielded judges from politics. It allows judges to serve long terms with a limited degree of accountability to voters.

But in recent years, some recall and retention elections have provoked controversy. For example, in California several controversial judicial elections have taken place. Voters removed three justices in 1986 from the California Supreme Court because the justices overturned almost all the death penalty cases brought before the court. In 1998, an unsuccessful campaign targeted two more justices, because they had voted to strike down a state law requiring minors to get parental consent before they get an abortion. In 1992, a trial judge won a close election against challengers who demanded her ouster because she had not given jail time to a Korean grocer convicted of manslaughter in the death of a black teenage girl. Another trial judge had an unsuccessful recall campaign mounted against her because she awarded famous former football player O.J. Simpson custody of his children after Simpson was acquitted of killing their mother.

In each of these cases, the people mounting the campaigns were upset with decisions the judges had made and accused them of misusing the law. Supporters of the judges saw the issue as one of judicial independence. They believed that judges should not be removed because they dare to make unpopular decisions.

The late Bernard Witkin, a noted legal scholar, has warned: "What we're seeing is a new way to approach judicial elections, challenging judges' qualifications on the basis of particular decisions that affect particular groups. . . . If we reach the point where . . . we end up telling the court, 'If you don't do as we want, we'll remove you,' then the courts won't be worth saving."

POINTS OF INQUIRY

1. Do you think it's important to have an independent judiciary? Why or why not?
2. Describe some different methods used to select judges. Which do you think is best? Why?
3. In most states, judges are on the ballot. What do you think voters should consider when voting for judges?

Setting the Public Agenda | 10

Every year, thousands of political issues are raised in America: issues about health care, education, minority rights, the economy, taxation, the environment, crime, national defense, science and research, poverty and homelessness. Some issues, once raised, are soon forgotten. Some issues become subject to widespread public debate leading to legislation, executive action, or famous court cases. These issues are said to be part of the public agenda.

How do certain issues become part of the public agenda? There is no formal process for setting the public agenda. Instead, it is created by the interaction of many institutions, influences, and forces.

Political parties and institutions help set the public agenda. Political parties create "platforms." These are lists of principles, issues, and positions that party delegates agree are important. The party's candidates for office run on the party's platform. Once elected, legislators representing the party are likely to try to pass laws that advance the platform. For example, in 1994 many Republican legislative candidates ran on a set of principles called the Contract with America, which called for budget restraint, tax reform, and other issues. When the Republicans won a majority in the House of Representatives, they attempted to enact the "contract" in legislation.

Public officials from the other branches of government also help set the public agenda. Because of the visibility of the office and its great power, the president is often a key player in setting the public agenda. President Lyndon Johnson made civil rights legislation a significant item on the public agenda. Ronald Reagan promoted national security and greater defense spending. Even Supreme Court decisions can help set the public agenda. For example, when the Supreme Court ruled that flag burning was protected by the First Amendment, a movement began to pass a constitutional amendment to ban it.

The print and electronic media are key players in setting the public agenda. Newspapers and news magazines write stories focusing on certain problems or issues that can influence politicians and the public. They also write editorials and commission public opinion polls. Television news programs exert an even greater impact because most Americans rely on television for their news and public-affairs reporting.

Media organizations, like this large metropolitan newspaper, play a key role in setting the public agenda.

Special-interest groups promoting a range of economic, environmental, or public-safety issues attempt to set the public agenda. Some groups are huge. For example, the American Association of Retired Persons (AARP), the National Rifle Association (NRA) and the American Civil Liberties Union (ACLU) represent millions of members and have large budgets. To influence the public agenda they send legislative information to their members, lobby elected officials, and conduct polls and studies on issues of their concern.

PUBLIC OPINION

Public opinion is important in setting the public agenda. Public opinion is an expression of attitudes or beliefs held by a group of people. Public officials monitor it to help determine what issues are important to their constituencies. Political parties use public

opinion to determine which candidates appeal to voters and to help choose issues to run on.

In recent years, political opinion polling has increased. Thousands of political surveys are conducted and published each year, particularly around election time. If properly conducted, such polls can have a high degree of accuracy.

Modern polling relies on scientific sampling. That is, a relatively small group of people can be polled and the results can be projected to the population as a whole. Accuracy depends on the sample of people polled. The most useful information comes from random samples. For example, from a list of voters, one out of 100 or 200 people is selected at random to be polled. The size of the sample also matters. Generally, the larger number of people polled from a group, the more accurate the results. For example, if 1,500 people were polled in a national survey, you might expect a margin of error of 4 percent. (This means that the results could be off plus or minus 4 percent.) If only 100 people were polled, the margin of error could be 14 percent.

Though many polls accurately reflect what people are thinking, it is important to carefully evaluate them. Not all polls are accurate. First, consider who conducted the poll and for what purpose. Some polls are sponsored and conducted by organizations that have a strong interest in the results. Polls can be shaped to get results that support a particular point of view. In general, polls conducted by independent and professional survey firms have greater credibility.

It is also important to determine how those polled were selected. As described above, random surveys produce the best results. Some polls rely on self-selected samples. Magazines often poll their readers; organizations poll their members. People who volunteer their opinions can have strong views one way or the other. But these polls may not tell very much about what the population as a whole is thinking.

A poll is only as good as the questions that are asked. Questions can be misleading or phrased to prompt a certain result. Also, questions asked in different ways can get very different results. For example, one Harris Poll asked: "Do you believe in capital punishment, that is, the death penalty, or are you opposed to it?" Seventy-one percent of those polled favored the death penalty, and only 21 percent opposed it. The Gallup Poll asked a different question on the same topic: "What do you think should be the penalty for murder: the death penalty or life imprisonment with no possibility of parole?" In response to this question only 52 percent of those polled supported the death penalty; 37 percent favored life imprisonment.

Opinion polls can provide valuable information, but concerns have been raised about their effect on American politics. Some critics believe that public opinion can be misinformed, shallow, and easily shifted. They also worry that public opinion can be too influential and sway politicians to cater to it rather than make the best decision. Others fear that polls sometimes do not simply reflect public opinion, but actually shape it. People, they argue, may be influenced by public opinion polls to adopt certain beliefs or views on issues. Others worry that public opinion polls have too much impact on elections. Good candidates may be discouraged from running or drop out because of poor poll showings. Lopsided polls may discourage people from actually voting because they think the result is a foregone conclusion. Despite these concerns, public opinion polling is likely to remain a significant factor in American politics.

POINTS OF INQUIRY

1. What is the public agenda? How do political institutions and political parties shape it? How do the media influence it?
2. Why do you think some issues that groups consider important do not become part of the public agenda?
3. What is public opinion? How is it measured? How is it used in public debate? How can it be influenced by government and the media? How does it influence public policy and the behavior of public officials? What do you think the role of public opinion should be in a democracy?

Are the Political Media Focusing on the Wrong Things?

In our democracy, people get most of their political information from the media. This means that the media play an enormous role in setting the public agenda. Are the media doing an adequate job in this role?

Many critics of the media say no. They argue that the press undermines our democratic system by spending too much time focusing on scandals and sensationalism. Defenders of the press, however, say that the news media are simply fulfilling their role as watchdogs on government.

THE INFLUENCE OF WATERGATE

Many critics say the media changed following the Watergate scandal, which prompted the resignation of President Richard Nixon. The media celebrated the investigative work of two *Washington Post* reporters, Robert Woodward and Carl Bernstein, who relentlessly pursued the scandal.

The critics say that after Watergate, journalists, especially those covering national news, became more skeptical and wary of politicians manipulating them. The press actively tried to expose government abuses. One consequence has been more negative political reporting. Demanding an open and more honest government, reporters have sought out the mistakes, inconsistencies, and ethical faults of political leaders.

Historians point out that the press has always been aggressive. Virtually every president, starting with George Washington, has become a target for the press. The tabloid press, which thrives on sensational news reporting, first appeared more than 100 years ago.

IS PRESS COVERAGE WORSE TODAY?

But the aggressiveness of the press is not what concerns today's media critics. They worry about the decline in thoughtful reporting on serious public issues. Frequently, they say, newspaper and TV news editors cut back on this type of news coverage because it is too boring or lacks the drama of conflict.

Critics note that the media have grown much more competitive in the last 30 years. With today's technology, news can be broadcast around the world as it happens. People expect—and receive—instantaneous reports on assassinations, floods, airplane crashes, even wars. They can receive the information in many new ways—from cable television, satellite dishes, the Internet. Talk radio and tabloid TV news shows, such as "A Current Affair," have grown in popularity. At the same time, fewer people are reading newspapers and watching network TV news. The drop is especially pronounced among people under 30. Trying to keep up with the competition, critics say that many newspapers and networks have made their news features shorter and jazzed them up with graphics, pictures, and diagrams. In short, say the critics, newspapers and network news shows are trying to make the news more entertaining, even sensational.

Defenders of the media believe the critics are overgeneralizing. They admit that some newspapers and networks may not cover issues deeply. But they cite many examples of in-depth policy coverage. The *New York Times*, *Washington Post*, and *Los Angeles Times* devote much ink to policy issues. Every night on television, "Nightline" explores issues. C-SPAN televises complete speeches and policy forums and debates. The defenders say the best-ever political coverage and reporting is going on today. But, they say, people must seek it out in the highly competitive news business.

SHOULD THE MEDIA REPORT ON THE PRIVATE LIVES OF POLITICIANS?

Scandals and sexual misbehavior have increasingly become acceptable topics for the mainstream press to cover. More than 30 years ago, the media did not consider President John F. Kennedy's affairs with women newsworthy. From the beginning of President Clinton's term, the media covered his alleged sexual exploits.

Larry Sabato, professor of political science at the University of Virginia, has criticized the press for its current tendency to jump quickly into a scandal story. Sabato says that scandals frequently explode into media "feeding frenzies" where every tidbit of gossip is reported. This type of reporting, he says, gives a great deal of newspaper space and air time to matters that have little to do with the real problems of the country.

Carl Bernstein, one of the reporters who investigated the Watergate story, wrote recently that "we tell our readers and viewers that the trivial is significant and the lurid or loopy is more important than real news." But William Safire, a columnist for the *New York Times*, takes a different view. He argues that political scandal reporting often contributes to the continuous cleansing of American politics.

The question seems to boil down to what is newsworthy. A president covering up crimes (as in Watergate) is clearly newsworthy. So is any behavior that affects public policy. The debate is over personal behavior that doesn't seem to affect policy. Were Kennedy's or Clinton's sexual escapades newsworthy? Should reporters have revealed them? Do politicians have any right to privacy? Is it right for the news media to withhold information from the public? These questions do not have easy answers. Defenders of the media argue it is better to err on the side of giving the public too much information than too little. Critics say that media scandalmongering is souring people's view of the democratic process.

POINTS OF INQUIRY

1. Many journalists argue that they do not give a negative slant to their political reporting; all they do is report reality. Do you agree or disagree with this view? Why?
2. What do the news media and the public have a right to know about the personal lives of elected officials and political candidates? What do they not have a right to know? Explain your answer.
3. Do you think the media are doing an adequate job in helping to set the public agenda? Explain.

Voting and Selecting Political Leaders

11

Political parties are key players in American politics. But the Constitution does not mention political parties. In fact, many of the founders, including George Washington, distrusted permanent political parties, fearing that they would become too powerful. The first two political factions to appear were the Federalists, who supported ratification of the Constitution, and the Anti-Federalists, who opposed ratification. These factions disappeared once the Constitution was ratified. Yet, early in Washington's first administration as president, two new factions formed: the Federalists, who supported Alexander Hamilton and a group that gathered around Thomas Jefferson, called the Democratic Republicans. They were the first real parties.

Throughout most of American history, the United States has had two major parties. Today's Democratic Party can trace its origins to Jefferson's old party. Today's Republican Party can trace its origins to the election of 1854. Along the way, dozens of third parties have come and gone. Some of these parties were formed to promote a particular cause, such as the Prohibition Party or the Equal Rights party, which demanded the vote for women. Other third parties, such as the Populists and the Greenbackers, arose for a short period around economic issues. Some third parties, such as the Progressives and the Dixiecrats, splintered off from the Republican and Democratic parties. Some parties have developed around a certain leader, such as George Wallace's American Independent Party or Ross Perot's Reform Party.

Third parties have never received high percentages of votes at election time, but they still serve important functions in the American political system. They give citizens who vote for them a forum for dissent. They also give those promoting reform a chance to air their ideas. For example, many of the ideas of the Progressives eventually were adopted by the major parties.

American political parties differ from those in many countries, where parties are often organized to promote a particular political or economic ideology such as socialism, communism, fascism, or capitalism. Others may represent a given economic interest such as labor or farmers. Some have been organized to promote a religious group or interest.

In contrast, American political parties are generally not ideological. Instead, they contain people with a loose collaboration of interests. While the parties might differ on the issues, they seek to appeal to the widest possible spectrum of the electorate.

Teddy Roosevelt campaigns for the presidency in 1904.

POLITICAL PARTIES IN ACTION

American political parties are organized on a national, state, and local basis. Every four years, the parties hold national conventions to nominate presidential and vice presidential candidates, develop and approve a platform of issues and positions upon which the party candidates will run, and kick off the campaign. The national parties are led by national committees made up of representatives from the states; Washington, D.C.; Puerto Rico; and several territories. Besides running the convention, the national party organizations take the lead in coordinating the national campaigns and raising campaign funds. The party whose candidate win the presidency helps the new president select people to fill government jobs with loyal party members.

State committees exist in every state, but are not appointed or controlled by the national

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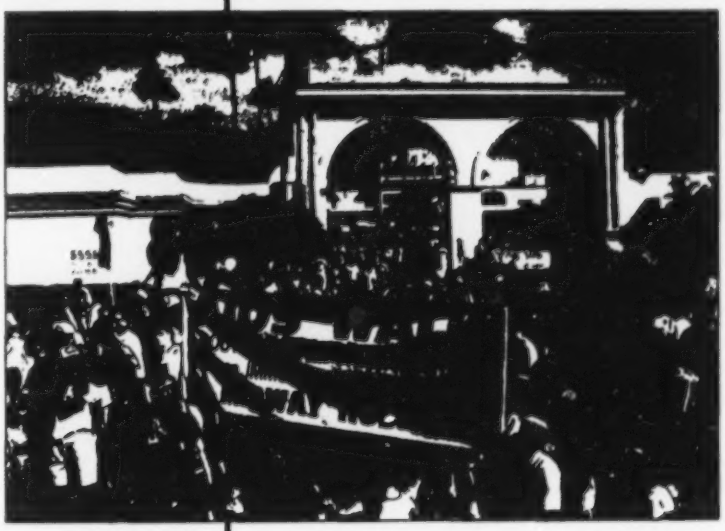
organizations. State party organizations concentrate on fielding and supporting candidates who run statewide for office—candidates for U.S. Senate, the House of Representatives, governor, and other elected officials. Party committees also exist at the district, county, and city levels. They work independently on local candidates and elections. The basic unit of party organization is the precinct, the voting area at the local level. Precinct committees and workers concentrate on getting people registered to vote, supporting candidates with rallies and meetings, and getting out the vote on election day.



Special-interest groups often stage events to focus on specific environmental, health, or human rights issues.

In recent years, the power of political parties has declined. More voters consider themselves political independents and tend to vote on the basis of a given candidate or set of issues rather than party affiliation. Moreover, voter turnout is lower, and polls indicate less interest in politics in general. Finally, researchers have noted a downturn in people making meaningful connections with groups and other individuals in their local communities. Some believe that this factor has made people less concerned with political issues and the political process.

POLITICS OUTSIDE THE PARTY

There are many opportunities for political participation outside of party politics. In many states, citizens take part in initiatives, referendums, and recalls. An initiative allows groups to avoid the legislative process and place proposed laws on the ballot for a vote. Working in groups, citizens circulate petitions calling for signatures to support the initiative. If enough signatures are gathered, the measure qualifies for the ballot under state law. Then supporting and opposing groups campaign for passage of the measure. The referendum is similar except these laws are drafted by the legislature and referred to the people for a vote. Again, supporting and opposing groups take part in the campaign. The recall is a mechanism for removing public officials from office through petitioning, getting the issue placed on the ballot, campaigning, and voting.

Membership in advocacy groups and associations gives citizens other opportunities for political participation. Associations often form to support a single cause or area of concern such as the environment, health care, or public-safety issues. Members support the group financially, conduct letter-writing campaigns, attend rallies, and vote for proposed legislation. The association informs members of important issues, proposes legislation, and lobbies representatives.

POINTS OF INQUIRY

1. How did the two-party system develop in the United States? What important role do third parties play in this system?
2. How are American political parties different from those in many countries? How are they organized? What do they do? Why are political parties weaker today than in the past?
3. How do political parties provide citizens with opportunities for participation? What are some ways that people can participate in the electoral process outside of party politics?
4. What are initiatives and referendums?

Why Don't People Vote?

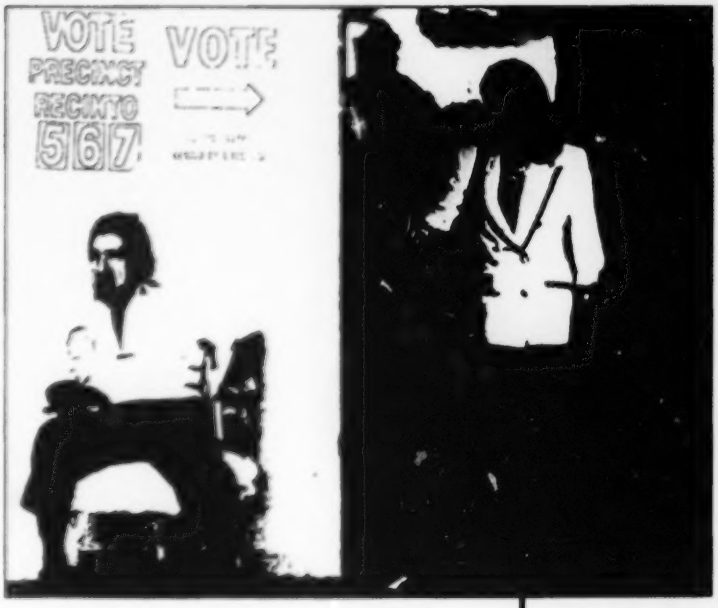
Over the last 10 U.S. presidential elections, voter turnout has fallen by nearly 20 percent. Yet, Americans consider democracy one of their most cherished principles. Our Constitution has been emulated by scores of emerging democracies, and the right to vote has been celebrated, sought after, and fought for by generations of Americans. Given the value and importance of democracy to American values, principles, and institutions, why don't people vote?

THE VOTERS

Some groups of Americans are more likely to vote than others. The most likely voters are those over 45 with a college education who earn at least $25,000 a year. Less likely to vote are the poor, racial and ethnic minorities, and non-union blue-collar workers. During the 2000 presidential election, Harvard's Joan Shorenstein Center on the Press, Politics, and Public Policy conducted a survey of American's views of the election drama. On election day, almost 80 percent of survey respondents said they had discussed the election with someone during the past day. Yet actual voter turnout hovered at roughly 50 percent, the same as in the previous presidential election.

Throughout the 1800s, about 80 percent of those qualified (i.e., white males) actually voted. Toward the end of the century, particularly after the Civil War, many states set up obstacles to voting such as poll taxes, literacy tests, residency requirements, and annual registration fees. These obstacles were primarily directed against Southern blacks, but they also discouraged many Northern white workers who were recent immigrants and spoke little English. As a result of these obstacles, voting levels went down from 79 percent in 1896 to 49 percent in 1920.

Access to the polls was gradually extended to nearly all American citizens of voting age. Following the Civil War, Congress passed the 15th Amendment prohibiting racial discrimination in voting. The 19th Amendment gave women the vote in 1920. The Voting Rights Act of 1965 protected minorities' right to vote in the South. In 1971, the 26th Amendment lowered the voting age from 21 to 18. Still, voter participation has steadily declined.



Typically, only 50 percent of eligible citizens participate in national elections.

Despite the opportunity afforded them by the 26th Amendment, young people vote in lower numbers than the average population. In 1992, 55 percent of all eligible Americans voted, but only 43 percent of 18- to 24-year-olds went to the polls. In 1996, the percentage had dropped to about 50 percent of all eligible voters and only 30 percent of eligible young people. Some analysts speculate that the reason for low voter turnout among young people is due largely to alienation. Like the poor and minorities, many young people don't believe that politicians represent their interests. Therefore, they don't vote. In addition, they say, young people are often less involved in the workings of their community and are therefore less likely to vote.

VOTING LAWS: IS EASIER REGISTRATION THE ANSWER?

Some experts link the decline in voting to bureaucratic obstacles. In their 1988 book *Why Americans Don't Vote*, sociologists Frances Piven and Richard Cloward point out that when Americans are registered to vote, they show up at the polls 80 percent of the time. They argue that despite legislation that potentially opens the polls to nearly everyone, obstacles to voter registration continue to affect turnout at the polls. Poor people and minorities tend to be less likely to register to vote. Their lack of voting tends to create a

vicious circle. When the poor and minorities refrain from voting, politicians do not feel obligated to address their concerns. Because politicians don't speak to their needs, these groups become even less interested in politics.

In 1989, the House of Representatives began to consider further measures to make voter registration easier. The result was the National Voter Registration Act of 1993. This legislation was based on the assumption that voting is a fundamental right and that it is the duty of government to promote the exercise of that right. The act was designed to encourage potential voters to register and to remove discriminatory and unfair obstacles to voter registration. It requires states to register voters with three methods. Eligible citizens can register to vote:

- When they apply for or renew a driver's license. This so-called "motor-voter" method is used in about a dozen states and is strongly supported by MTV's "Rock the Vote" campaign.
- With a mail-in application.
- At public assistance agencies and agencies that provide services to people with disabilities. In addition, election officials must send all applicants a notice informing them of their voter registration status.

Supporters of the National Voter Registration Act, mostly Democrats, argued that the measure would help register 90 percent of all eligible Americans. They estimated that this would produce up to 70 million new voters. Because non-voters tend to be poor, young, or from racial or ethnic minorities, many election observers believed that an increased voter population would aid the Democrats, traditionally the party of choice for most lower income, minority, and youthful citizens.

Opponents of the bill, mostly Republicans, expressed concern that it would dictate to the states how they must register their citizens. They also predicted that multiple registrations would contribute to fraud. Other opponents contended that voters who aren't interested enough to participate in the electoral process would not make informed decisions on candidates.

Despite the controversy, Congress passed the bill and President Clinton signed the National Voter Registration Act it into law in May 1993. The act went into effect in 1995, in time for the 1996 presidential election.

The act proved that registering potential voters does not necessarily lead to increased voter turnout on election day. Voter registration increased just before the 1996 presidential election. But voter turnout continued to fall. Only 49.7 percent of those registered cast ballots, the worst presidential election percentage in the nation's history.

POINTS OF INQUIRY

1. Why don't people vote? List as many causes as you can for the decrease in voter turnout. What do you believe is the main cause?
2. What do you think the consequences might be to American democracy if the trend of declining voter turnout continues into this century?
3. Some people argue against increasing voter turnout because it would bring to the polls vast numbers of politically ignorant people. What do you think?

Public Policy

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Public policy consists of laws, rules, regulations, and court decisions establishing how things are to be done. When Congress makes a law setting the minimum wage, it is establishing public policy for the entire country. When an executive agency such as the Federal Communications Commission adopts broadcasting rules, it is setting public policy for television and radio stations nationwide. When the Supreme Court decides how a legal procedure should be applied throughout the United States, it is establishing public policy.

State and local governmental bodies also set public policies. A state's department of education sets policies that affect schools throughout the state. A county government is setting policy when it determines the rate for a sales tax. A special water district is establishing policy when it decides how much customers will be charged for water.

MAKING AND CHANGING PUBLIC POLICY

The formation of public policy can be quite complex and varies from one governmental body to another. Legislative policy making often follows the lawmaking process. A legislator may propose a bill defining a new crime. It is given a number and referred to the appropriate committee. The committee studies the proposed policy. It may hold hearings and call experts to testify about the need for and effects of the new law. Those opposing the bill also might testify. The committee then debates the policy and votes on the bill. If approved by the majority, it goes to the floor of the legislature. Additional debates may take place. At the same time, a similar bill is going through a parallel process in the other house of the legislature. If the bill is passed in both houses, it may go to a conference committee to iron out any differences. The bill can then be passed by both houses and sent to the chief executive, the president or governor, for signing. If signed, the bill becomes a law and a new policy is established. If not, the legislature might override the veto, if there are enough votes, or modify it to meet the chief executive's concerns.

Throughout the legislative process, the public has opportunities to influence the outcome. With a new crime bill, advocacy groups such as civil rights organizations and police associations might track the bill and provide their members with information. Lobbyists might try to sway legislators. Letter-writing campaigns could be organized. The news media—print, radio, and television—might present editorials, stories, and opinion polls on the proposed policy.

Public policy can be set by the U.S. Congress in Washington, D.C., or by direct democracy in an annual town meeting like this gathering in Vermont.

Executive agencies of government also make policy. Imagine that a state legislature has passed a new law requiring that every high-school student must take a course on state and local government. The law, however, does not describe what is to be taught in the new course. Included in the law is "enabling legislation." This is a provision requiring that the appropriate executive agency more clearly define what is required by the law and set policies for putting it into effect. The law is referred to the State Office of Public Instruction, led by an elected superintendent of schools. The superintendent refers the matter to the state curriculum committee, which consults with experts about what the new state and local government course should contain. It holds public hearings around the state and with educator groups. Once the course is defined, a document is produced and sent out for public and expert comment. Finally, the course requirements are adopted by a vote of

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HOW A BILL BECOMES A LAW

A bill can be introduced in either branch of Congress (House or Senate). To survive, it must be . . .

1. Assigned to a committee and approved by it.	2. Approved by a majority of that branch of Congress.	3. Sent to the second branch of Congress.
4. Assigned to a committee in the second branch of Congress and approved by it.	5. Approved by a majority of the second branch of Congress.	6. Prepared in a final draft by a joint committee from the House and Senate.
7. Voted on by both branches of Congress.	8. Sent to the president for consideration.	9. Signed by the president. If vetoed by the president, the bill must be . . .
10. Returned to Congress and approved by a two-thirds majority in both the House and Senate.		

the state school board. During the process, the public could attend the hearings and interest groups could try to influence what should be taught in the new course.

It is at the local level that policy making affects Americans most directly. Zoning commissions establish policies for land use. Building commissions determine standards for construction. Traffic bureaus establish parking regulations, speed limits, and traffic controls. School boards set up policies about what students learn and what extracurricular activities are permitted.

THE REALITIES OF POLICY MAKING

Policy making is not always an easy process. Deep disagreements can erupt at almost any stage.

Sometimes people disagree about the goal of a proposed policy. Does our society really want to pursue that goal? Other times people agree that the policy's goal is good, but argue that the proposed policy will not help achieve it.

Sometimes questions arise about the motivations of the policy makers. Are they creating a policy to benefit one segment of society over another? What groups or points of view are influencing their judgment?

All policies have consequences. That is, something will happen as a result of the policy. Who will benefit from the policy? Whose interests might be harmed by the policy? Disagreements can arise about what the consequences will be and who will benefit the most. Others worry that a policy might have consequences that are difficult to predict and might end up doing more harm than good.

Every policy has both costs and benefits. Disagreements can also develop about whether the benefits of a given policy outweigh the costs.

On some issues, agreement about policies is difficult or impossible. In the pre-Civil War years, America was deeply divided on the issue of slavery and its expansion into new states and territories. Congress, the courts, and the presidency all tried to establish policies that would address the issue, but none ultimately succeeded. The differences in values, principles, and interests of those opposing and supporting slavery were too great to overcome. When such a divide exists, it is difficult to create policies to resolve such an issue.

POINTS OF INQUIRY

1. What is public policy? Give an example of one, tell which major groups are interested in it, and explain their positions.
2. Who makes public policy? Give an example of a process for making it.
3. How and when can citizens influence the making of public policy?
4. Why might it be difficult for people to agree on some issues of public policy? Give a modern example of a highly controversial issue of public policy.

Race and Representation

Although the Civil War (1861-1865) put an end to slavery, Southern whites after the war sought to maintain white supremacy. One way they did this was to keep blacks from voting. For almost 90 years, Southern states successfully excluded African Americans from voting and holding elected offices.

In 1965, however, Congress passed the Voting Rights Act. The act put the federal government in charge of elections in Southern states and ended the years of voting discrimination in the South. Blacks voted freely for the first time since Reconstruction.

African Americans could now influence Southern elections. But a clear voting pattern emerged in the South: Whites preferred white candidates and blacks preferred black candidates. With blacks in the minority, white candidates almost always won. Civil rights leaders started to argue that black voters should have a fair chance to elect their own black representatives. But how can this be done in a political system based on majority rule? Does fairness require that minority citizens be represented by minorities?

"TO ELECT REPRESENTATIVES OF THEIR CHOICE"

After the Voting Rights Act, some Southern states still tried to ensure the election of whites. One way to do this was by holding "at large" elections. In an at-large election, candidates do not run in separate districts. For example, all candidates for seats on a county board would be required to run county-wide campaigns. All the winners would then become at-large board members representing the entire county. Since white voters were in the majority in most Southern counties, they typically elected only whites to office. Although African Americans might make up 20 or 30 percent of the voters, they did not have enough votes to elect a black candidate. Many Southern blacks became convinced that they were as unrepresented in the government as they had been in the days before the Voting Rights Act when they were denied the right to vote.

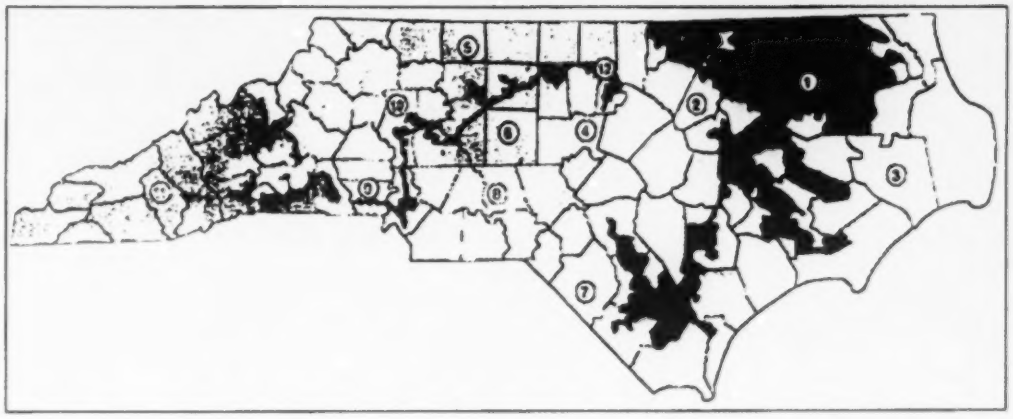
Under the Voting Rights Act, the U.S. Justice Department must approve the voting procedures of states with a history of voting discrimination. Believing at-large elections to be unfair, the Justice Department ordered Southern cities, counties, and states to divide at-large districts into smaller, separate districts. The voters in each district would then elect their own representative. This assured the election of African Americans who ran for office in districts with black majorities. But state legislatures often drew district boundaries that put black voters into districts with white majorities.

In 1982, Congress amended the Voting Rights Act, which now covered Hispanic as well as African-American voters. The amended law granted these voters the right "to elect representatives of their choice." At the same time, however, Congress made it clear that these groups were not entitled to proportional representation. In other words, just because blacks made up 12 percent of the U.S. population did not mean that they were guaranteed 12 percent of the seats in Congress.

During the late 1980s, the Justice Department adopted a policy of maximizing so-called "minority-majority districts." These are districts where a minority group makes up the majority of the population. Using its power under the Voting Rights Act, the Justice Department encouraged the creation of these districts.

Following the 1990 census, redistricting throughout the country increased the number of African-American and Hispanic majority districts. After the 1992 elections, the number of African-American members of the House of Representatives jumped from 26 to 39. Largely as a result of new "minority-majority" districts, Alabama, Florida, North Carolina, South Carolina, and Virginia elected black members of Congress for the first time in almost 90 years.

But this redistricting along racial lines drew controversy. Some argued that minorities do not necessarily need minorities to represent them. They said that creating districts based on race further divides our society by race. Two cases brought before the Supreme Court challenged racial redistricting on constitutional grounds. One case was from North Carolina; the other, from Georgia.



This map shows North Carolina's congressional districts for the 1992 elections. Districts 1 and 12 (shaded black) were developed to create an African-American majority.

THE NORTH CAROLINA CASE

Under pressure from the Justice Department, North Carolina created two "minority-majority" districts, each about 60-percent black. As a result, two African-American congressmen were elected in 1992, the first from North Carolina in 90 years. But some voters challenged these districts in court. They claimed that the odd-shaped districts were drawn for solely racial purposes in violation of the equal protection clause of the 14th Amendment.

In 1993 in *Shaw v. Reno*, the U.S. Supreme Court ruled 5-4 that these districts violate the 14th Amendment unless they are "narrowly tailored to further a compelling governmental interest."

Writing the majority opinion, Justice Sandra Day O'Connor declared that, "Classifications of citizens solely on the basis of race 'are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality.'" Justice O'Connor further warned that corralling minorities into separate voting districts "threatens to carry us further from the goal of a political system in which race no longer matters . . . ."

Writing in dissent, Justice David H. Souter observed that racial minority groups often have common interests that differ from the white majority. Therefore, he argued, state legislatures should be allowed to "take race into account in drawing up districting plans."

The Supreme Court sent the case back to a federal court in North Carolina to determine if, in fact, "a compelling governmental interest" warranted the formation of the two black-majority congressional districts. This court, to the surprise of many, found that the districts were justified because the state had a compelling interest in complying with the Voting Rights Act.

The voters who had brought the suit appealed this decision again to the Supreme Court. In 1996 in this second case (now named *Shaw v. Hunt*), the court majority found that the Voting Rights Act did not require minority-majority districts. Therefore complying with the act could not serve as a compelling state interest. The court held that the districts were unconstitutional.

THE GEORGIA CASE

Between 1980 and 1990, one of Georgia's 10 congressional districts had a black majority. The voters in this district elected Georgia's only black congressman. But African Americans made up 27 percent of the state's population. Some argued that they should have a chance to elect more black representatives. They said that white congressmen did not really represent their views and interests.

As a result of the 1990 census, the Georgia legislature redistricted the state into 11 congressional districts. Using its enforcement powers under the Voting Rights Act, the Justice Department refused to approve any redistricting plan that did not include two new "minority-majority" districts. Finally, such a plan was approved. One of the districts connected several black urban areas with rural African Americans living 260 miles away.

In 1992, African Amer[illegible] were elected in all three of Georgia's black-majority congressional districts. This amounted to 27 percent of Georgia's eleven seats in the U.S. House of Representatives, which equaled the percentage of blacks in the state's population. But as in North Carolina, some white voters claimed that the new black-majority districts violated the 14th Amendment's equal protection requirement.

In June 1995 in *Miller v. Johnson*, a 5–4 majority of the Supreme Court agreed. The court majority concluded that "race was the predominant factor" in creating at least one of the black- majority districts. In such a situation, the court decided that unless there is a strong reason ("compelling governmental interest"), states are forbidden to separate citizens into different voting districts by race just as they may not racially segregate public parks.

In his majority opinion, Justice Anthony M. Kennedy blamed the Justice Department for pushing a "max-plan" that created two new black-majority districts. He declared that there was no "compelling state interest" to do this. Justice Kennedy wrote that states engage in racial stereotyping when they assume that minority voters "think alike, share the same political interests, and will prefer the same candidates at the polls."

The dissenting justices pointed out that voting districts for Irish, Italian, and Jewish Americans had been created in the past to reflect the common interests of these ethnic groups. The dissenters also wondered just how the white voters who challenged the new black-majority districts had been harmed.

Because of this decision, Georgia had to redraw its congressional districts again.

POINTS OF INQUIRY

1. What policy did the white voters in Georgia and North Carolina challenge in court?
2. What was the goal of this policy? Do you agree with the goal? Explain.
3. How did the U.S. Supreme Court affect this policy?
4. Some people argue that it does not really matter if minority voters do not get to elect minority representatives. White representatives can do just as good a job representing the interests of minority voters. Do you agree or disagree with this argument? Why?
5. Do you think voting districts that intentionally separate minority voters from white voters are similar to racially segregated parks, schools, and housing? Why or why not?

13 America's Foreign Policy

A central function of the U.S. government is to conduct relations with the almost 200 other nations in the world. A nation is a sovereign country, and as such, possesses the highest authority over its territories. All sovereign states are theoretically equal.

Foreign policy is the way by which America conducts relations with other countries. It is designed to further certain goals. It seeks to assure America's security and defense. It seeks the power to protect and project America's national interests around the world. National interest shapes foreign policy and covers a wide range of political, economic, military, ideological, and humanitarian concerns.

America's foreign policy has changed over time reflecting the change in its national interest. As a new nation after the Revolutionary War, America's prime national interest was to maintain its independence from more powerful European countries. Protected by the Atlantic Ocean, its major foreign policy, as typified by the Monroe Doctrine, was to limit European attempts of further colonization of the Western Hemisphere.

Through the 19th century, America concentrated on creating a nation that spanned the continent, and it avoided foreign entanglements. Once industrialized and more prosperous, it began looking for foreign markets and colonies.

By the turn of the 20th century, the United States had become a minor imperial power, fighting a war with Spain for Cuba and the Philippines and annexing Hawaii and several other territories. World War I engaged the United States in European affairs, but after the war, a wave of isolationist feeling swept the country. Refusing membership in the League of Nations, America turned inward once again. Absorbed by the prosperity of the 1920s and the Great Depression of the 1930s, America let its military strength erode. It was not prepared for war when the Japanese struck the U.S. fleet at Pearl Harbor in late 1941.

Emerging from World War II as the most powerful economic power on Earth, the United States changed its foreign policy dramatically. It took the lead in founding the United Nations. It invested billions of dollars through the Marshall Plan to help strengthen war-devastated European democracies. It created a system of alliances, including the North Atlantic Treaty Organization (NATO).

Central to America's defined national interest and foreign policy in the post-war period was the containment of the Soviet Union and communism. During the Cold War, the United States and its allies competed with the Soviet Union and its allies militarily, economically, and ideologically. Both sides created massive military forces and huge stockpiles of nuclear weapons. Although the two superpowers never went to war, the policy of containment led the United States into the bloody Korean and Vietnam wars.

The Cold War ended when the Soviet Union, economically exhausted from competing with the West, disintegrated. This left the United States the only remaining superpower in a world no longer ruled by the logic of containing the Soviet Union.

Through time, various constitutional principles and values have shaped American foreign policy. American foreign policy has favored the self-determination of nations for independence. Based on our commitment to constitutional government, we often favor and support nations that practice democracy. These principles, however, sometimes have conflicted with the goals of national security, economics, or the realities of international politics. In certain cases, America has supported dictatorial governments or intervened to curtail popular political movements.

MAKING AND CARRYING OUT FOREIGN POLICY

America's foreign policy today covers a wide range of functions and issues. It includes establishing and maintaining diplomatic relations with other countries and international organizations such as the United Nations and the Organization of American States. It includes peacekeeping functions such as working with allies to assure regional and international security and arms-control efforts. It

covers a range of international economic issues including trade, travel, and business. It involves foreign aid and disaster relief. As a superpower, the United States has also taken a leadership role in peacemaking around the globe by trying to negotiate treaties and agreements to end regional conflicts. Also, as a world leader, the United States has a long-standing role in trying to address international economic and environmental problems.

The making and carrying out of America's foreign policy involve all three branches of government and a complex array of governmental institutions and agencies.

The president and the executive branch have the most significant role in making foreign policy and are responsible for carrying it out. With the advice and consent of the Senate, the president makes treaties and appoints ambassadors. The president can hold summit meetings with world leaders. As commander in chief of the military, the president can, by executive order, rapidly project U.S. power around the globe.

In forming U.S. foreign policy, the president relies on advice from the National Security Council. This group is made up of the vice-president, secretary of state, secretary of defense, head of the Central Intelligence Agency (CIA), and chair of the Joint Chiefs of Staff (the nation's highest military adviser).

The secretary of state heads the U.S. State Department and often represents the president abroad. The State Department carries out foreign policy decisions and helps develop foreign policy for every region of the world. Attached to the State Department is the U.S. Foreign Service, or diplomatic corps. It is made up of ambassadors (who represent America's political interests in every county), consuls (who represent America's business interests), and other officials who specialize in technical matters and issues of foreign aid.

Congress also plays a role in America's foreign policy through its power to set duties and tariffs on foreign exports and imports, regulate foreign commerce and immigration, and declare war. It sets quotas on immigration, chooses which countries will benefit for most-favored-nation status in trade agreements, votes on foreign aid, and sets the defense budget. But Congress is usually in the role of accepting, changing, or rejecting policies proposed by the president.

The Supreme Court plays a limited role in foreign policy. It has jurisdiction over cases involving treaties, admiralty and maritime law, and ambassadors and other public ministers. It also is charged with deciding disputes between states and foreign states and their citizens and subjects.

At different times, tensions have arisen between the branches in the conduct of foreign policy. Presidents sometimes favor treaties that the Senate does not want to approve. President Woodrow Wilson promoted treaties establishing the League of Nations after World War I, but the Senate opposed the League and refused to ratify the treaties. Other times, tensions have arisen between the Congress' power to declare war and the president's role as commander in chief. Presidents have committed American armed forces to major conflicts such as the Korean, Vietnam, and Gulf wars without a declaration of war by Congress.

The public also plays a role in influencing foreign policy. Advocacy groups for foreign countries often try to influence Congress and the president about issues. Business associations lobby the government about international economic and trade issues. Groups and individuals with strong views on certain foreign policy issues, especially military intervention, often organize protests or other political actions to influence decisions.

POINTS OF INQUIRY

1. What is foreign policy? How would you characterize American foreign policy during most of the 19th century? At the beginning of the 20th century? Following World War II? Today? What do you think accounts for the differences?
2. What role do the three branches of government have in creating American foreign policy? What tensions sometimes arise between the branches over foreign policy? Who else influences foreign policy?
3. What principles and values have helped shaped American foreign policy?

Military Intervention

One of the most difficult issues in foreign policy is deciding when the United States should exercise military force. Most people think that military force may be used if a vital national interest of the United States is threatened. The difficulty lies in getting people to agree on what constitutes a vital national interest.

Almost everyone would agree that an attack by a foreign country on the United States threatens a vital interest. Many also would think a vital interest threatened if a country attacked a nation that we had signed a security agreement with. Disagreements emerge when the threat involves the free flow of a precious commodity, such as oil. They also surface over situations that do not pose an immediate threat to U.S. security but could imperil it in the future, such as when a region becomes unstable and the instability may lead to wider conflicts. Another area of debate opens over human rights and humanitarian efforts. The United States is the most powerful democratic nation on Earth. Does that mean we always have a vital interest in promoting human rights and democracy? Or, should we stay out of the affairs of other nations unless they threaten other of our national interests?

Another issue arises over *how* the United States should exercise military force. Some argue that America should never act unilaterally, but should only act with others, allies or particularly with the United Nations. They believe America has a strong interest in upholding international law. Others agree that it is appropriate to act in coalitions, but they think demanding it in every circumstance would paralyze America's role as a world leader.

Debates over intervention have arisen often. Below are a few situations in which American presidents decided to use military force in recent years.

THE INVASION OF PANAMA IN 1989

The Panama Canal is a strategic waterway connecting the Atlantic and Pacific oceans. In 1977, the United States, which had controlled the canal zone since the canal was built, agreed to return control to Panama by 1999.

In the 1980s, Panama was led by the head of the military, Manuel Noriega. He had permitted elections, but allegations of his wrongdoing–voter fraud, intimidation, murder, drug dealing–were widely believed. In 1988, the United States indicted Noriega for drug trafficking and racketeering. That same year, Panama's president tried to dismiss Noriega. But the Noriega-backed legislature dismissed the president instead. The Reagan administration refused to recognize Noriega's choice for president and imposed economic sanctions on Panama. Noriega held new presidential elections in May 1989, but when a Noriega opponent won, Noriega voided the election. He placed a new president in office in September. In October, military leaders tried to overthrow the regime, but Noriega put down the coup. In December, the legislature named Noriega chief executive officer of the government. It also declared that Panama was in a state of war with the United States. The following day, a U.S. soldier in civilian clothes was killed by Panamanian soldiers. Four days later, President George Bush ordered the invasion of Panama. The U.S. Marines quickly took the country. Noriega was taken to the United States, tried, and convicted. The winner of the May 1989 election was inaugurated as the new president of Panama.

THE GULF WAR OF 1991

In August 1990, Iraq invaded and occupied its small, but oil-rich neighbor, Kuwait. The U.N. Security Council called for Iraq's immediate withdrawal and imposed a trade embargo on Iraq. With 300,000 troops in Kuwait, Iraq seemed to pose a threat against Saudi Arabia, a militarily weak neighboring country with huge oil reserves. The United States, its NATO allies, Egypt, and a few other Arab countries sent about 700,000 troops to Saudi Arabia. (More than 500,000 of these troops were American.) In September, the U.N. Security Council authorized the use of force against Iraq unless it withdrew from Kuwait by January 15, 1991. On January 16, the United States and its NATO allies started bombarding Iraq from the air. For several weeks, they pounded its air defense networks, oil refineries, communications systems, bridges and roads,

government buildings, and weapons plants. Then they attacked Iraqi troops in Kuwait and southern Iraq. On February 24, troops under American command invaded Kuwait. Within three days, the troops had retaken Kuwait and driven deep into Iraq. With the coalition's mission accomplished, U.S. President George Bush declared a cease fire. Kuwait's independence was restored, and the trade embargo on Iraq remained in force.

THE INVASION OF HAITI IN 1994

Haiti is a poor Caribbean nation on the island of Hispaniola. Half of the island belongs to Haiti; the other half is another country—the Dominican Republic. For most of its history, Haiti has been ruled by brutal military dictators. In 1990, the nation's first free elections were held. Jean-Bertrand Aristide, a Roman Catholic priest, won election as president. In 1991, after seven months in office, the military overthrew Aristide. While the United States, United Nations, and the Organization of American States negotiated with the military government to get Aristide returned to power, thousands of refugees fled the island in small boats. Negotiations made little progress and boat people kept arriving in America. In 1993, the military government finally agreed to let Aristide return, but failed to keep its promise. In 1994, the United Nations authorized the use of force to remove the dictatorship. President Bill Clinton announced that the U.S. military would invade if Haiti's military leaders did not leave the country. With the U.S. fleet approaching Haiti, Clinton sent a delegation led by former President Jimmy Carter to Haiti's capital. After round-the-clock negotiations, Haiti's military leader agreed to leave and to order his military not to resist American troops. Aristide returned to power. U.S. troops occupied the island for six years. Democracy in Haiti remains unstable.

THE KOSOVO CONFLICT IN 1999

Following the fall of the Soviet Union, the Eastern European nation of Yugoslavia started disintegrating. Four of the six republics making up Yugoslavia declared independence. Serbia, the largest of the republics, refused to recognize their independence. A bloody civil war erupted. Particularly disturbing were incidents of "ethnic cleansing," when one side would drive members of the other group from their territory and sometimes even commit mass murder. In 1995, a peace agreement was brokered by the United States.

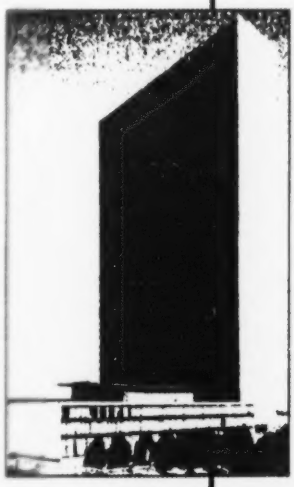
Amid this chaos, a crisis was growing in Kosovo, a region in Southern Serbia. More than 90 percent of its inhabitants are ethnic Albanians. (Albania is a neighboring country.) Kosovo had traditionally been treated almost as a seventh republic in Yugoslavia, but in 1989 Serbian rule was imposed. In 1997, a radical group, the Kosovo Liberation Army, demanded independence and started carrying out guerilla attacks on Serbian police. In 1998, the Serbian military responded with brutal force, driving thousands from their homes. The Clinton administration worked to get NATO involved. NATO demanded that Serbia withdraw its troops. Both sides negotiated, but Serbia refused to sign an agreement that would place NATO troops in Kosovo. NATO threatened air strikes, and when Serbia didn't back down, air strikes began in late March 1999. For two months, NATO pounded Serbian targets. Finally, Serbia relented and signed a peace treaty. Almost 800,000 refugees returned to their homes in Kosovo under NATO protection. In 2000, the president of Serbia, who had been indicted by the United Nations as a war criminal, was defeated in an election and stepped down.

POINTS OF INQUIRY

1. How do you think domestic politics might impose restraints or obligations in the way the United States acts in the world?
2. In each of the situations described, what might be some reasons *against* intervening? What reasons were there *for* intervening?
3. What do you think are vital national interests of the United States? Why?
4. When do you think it is justified for the United States to use military force? Explain.
5. Do you think the United States should ever use military force unilaterally? Explain.

14 America and New Global Realities

Today, the United States is the most powerful nation economically and militarily in the world. American innovations and technological advances in assembly-line manufacturing and in the areas of electronics, computers, and nuclear energy have changed the world. American popular culture–music, fashion, movies, and television–has influenced every area of the globe.



The U.N. Security Council and General Assembly are based in U.N. headquarters in New York City.

At the same time, developments in other parts of the world heavily influence the United States. Decisions of multinational corporations affect how Americans do business. Multinational corporations buy and sell American companies and real estate, hire and displace American workers, and impact the American market economy. Workers from around the world, both documented and illegal, come to the United States seeking employment and a higher standard of living. Products and services from other countries compete with American goods. Foreign foods, music, literature, and arts influence the American lifestyle.

Indeed, the vast majority of the American people can trace their origins to other parts of the globe–Europe, Asia, the Middle East, Africa, and Latin America. More recently arrived individuals and groups often maintain significant contacts with their homelands through telecommunications and travel. Others, though long-time citizens or residents of the United States, often maintain connections through traditional cultural practices.

INTERNATIONAL ORGANIZATIONS

Another aspect of this new globalization has been the growing influence of international governmental organizations (IGOs) and international non-governmental organizations (NGOs).

IGOs are organizations made up of member nations. The most prominent example is the United Nations (U.N.). Formed at the conclusion of World War II, with the leadership of the United States, the U.N. serves a number of functions. It furnishes member nations with a forum for discussing and taking action on world problems. It seeks to resolve international and regional conflicts through mediation and arbitration. Its member nations supply forces for peacekeeping duties such as monitoring disputed borders or maintaining a cease-fire between combatants. The U.N. also provides emergency relief, health services, technical assistance, and economic aid to developing countries around the world. For example, the U.N. Childrens Fund (UNICEF) promotes educational, health, and welfare efforts for children and mothers in developing countries.

The U.N. was established in 1945 by 51 member nations. Today, almost 200 nations belong to the U.N. It is governed by two main bodies–the General Assembly and the Security Council. Every member nation is entitled to one vote in the General Assembly. Similar to a legislature, the General Assembly debates issues on matters within the U.N. Charter. It makes recommendations to the Security Council, other U.N. organizations, and member nations.

The Security Council is made up of 15 member nations. Five have permanent membership on the Security Council–the United States, the United Kingdom, France, China, and Russia. Ten are elected to two-year terms on the council by the General Assembly. Although each member of the Security Council has one vote, each of the five permanent members has the right to veto any Security Council action. The Security Council has broad power to promote peace and settle disputes among countries. If necessary, it can punish aggression and the spread of war using force. The council can call on any member nation to provide armed forces for this purpose.

At times, it has been difficult for the Security Council to exercise its powers because of a veto by one of the permanent members. For example, the Cold War conflict between the United States and the Soviet Union caused a number of actions to be vetoed.

Even today, tension often exists between the actions of the U.N. and the national interests of the United States. The United States and the other industrial nations are often outvoted in the General Assembly. Members of the Security Council often refuse to act on recommendations by the General Assembly that are perceived as counter to their national interests.

The U.N. works closely with other IGOs. The International Money Fund promotes international monetary cooperation, stabilization of world currencies, and the expansion of world trade. The World Bank provides loans and economic expertise to developing nations. The World Trade Organization administers international trade agreements and tries to settle trade disputes.

International Non-Governmental Organizations (NGOs) have connections with more than one country and are not governmental bodies. NGOs promote economic, religious, charitable, social, and political interests transnationally, that is, across national boundaries. Multinational corporations are NGOs and have economic interests in more than one country, sometimes in many countries. The Roman Catholic Church has parishes and adherents in virtually every country of the world. The International Red Cross provides health services and disaster relief around the world. Amnesty International promotes human rights throughout the world. NGOs have a growing influence on the world scene.

GLOBAL CHALLENGES

Today, the nations of the world are tied together as never before. People can quickly travel anywhere by airlines. Communications technology—the Internet and satellite-aided telecommunications—whisk information from one corner of the globe to another. Environmental problems such as global warming, ozone-layer depletion, and deforestation can affect every nation and region. Political upheavals or policy decisions by one country can impact the lives of citizens in neighboring countries or around the world. Economic booms or busts in one country or region can influence the entire global market system.

Because the United States is a dominant player on the world scene, its political developments can significantly affect other countries. A change in the immigration policies of the United States not only impacts people living in America, but their relatives living in other parts of the world. If the United States decides to place a trade embargo on another country for human-rights violations, that too can affect Americans and those living in the other country.

As the world becomes more interdependent and problems grow more complex, so do the complexities of policy making. U.S. citizens may have close political or religious ties to people living in other countries or regions. Historically, groups in America with close connections to other parts of the world have tried to influence policies affecting that area. In such cases, controversies can arise about whether one's loyalty to America is more important than loyalty to one's transnational religious, ethnic, or ideological group.

The U.S. government also often has to respond to political developments and problems in the other nations of the world. For example, refugees from political upheavals in other parts of the world frequently seek asylum in America, requiring U.S. officials to determine whether to admit them to the country. Environmental disasters such as floods, earthquakes, or famines require the United States to determine what aid should be offered.

As the 21st century progresses, one thing is certain. American citizens and policy makers alike will be forced continually to take into account the new global realities and face new global challenges.

POINTS OF INQUIRY

1. What major American economic, technological, and cultural changes have affected the world? How have they affected it? In turn, what economic, technological, and cultural changes from other nations have affected America? How?
2. How is the world tied together politically and environmentally? How can political or environmental events in the world affect the United States? How can those in the United States affect the world?
3. There are many international NGOs and IGOs. Give an example of each and explain what each does.

The World Trade Organization

Although it was only 5 years old, the World Trade Organization (WTO) generated global attention when it met in Seattle in 1999. Inside the WTO conference hall, trade representatives from governments around the world met. Outside, on the streets of downtown Seattle, thousands of demonstrators voiced their opposition to the impact of WTO policies on national and international economies, the environment, labor conditions, and human rights.

The WTO was founded in 1994 as a successor to GATT, the General Agreement on Tariffs and Trade. GATT was created to stabilize international commerce after World War II. Originally, GATT was to be replaced with a U.N. agency called the International Trade Organization (ITO). Due to Cold War conflicts, the ITO never materialized. Instead, GATT remained in place as the principal postwar control over international trade.

A demonstrator flashes a peace sign in front of a Seattle police officer during 1999 protests against the World Trade Organization.

GATT's primary purpose was to reduce international trade barriers, such as tariffs and import quotas. GATT began in 1947 with 23 countries signing the treaty at a trade conference in Geneva, Switzerland. Seven subsequent rounds of trade conferences were held, and eventually 125 countries signed its agreements. Every member of GATT agreed to treat every member nation equally. That meant that if a country agreed to reduce its tariffs for one member nation, it had to reduce its tariffs for all member nations. Member nations could, however, back out of this arrangement if they felt their economy was being damaged.

GATT lasted 48 years as the world's primary international set of trade rules. During that time, world trade grew steadily, and new trade conflicts emerged, which GATT seemed unable to control. Recognizing that GATT had no enforcement power, many member nations violated GATT agreements. Because GATT only covered trade in goods, it could not deal with new developments in telecommunications or conflicts over intellectual property such as copyrights for computer programs or CDs.

In 1986, world-trade officials began an eight-year "Uruguay Round" of trade negotiations designed to modernize the outdated GATT rules. The round concluded in 1994 with the founding of the World Trade Organization. All the member nations of GATT joined the WTO. By 2000, 136 nations had joined, and 30 others, including Russia and China, had applied.

The WTO is more powerful than GATT. The WTO is a permanent organization based in Geneva. Its rules apply to services and intellectual property as well as goods. It has dispute settlement panels that can impose sanctions on member nations that violate WTO rules.

THE U.S. AND WTO

The United States is the most active member of the WTO. It has used the WTO to help open markets to U.S. telecommunication companies and chemical manufacturers.

It has also lodged more complaints with WTO dispute resolution panels than any other country. WTO panels have ruled in favor of the United States in most of these cases. In 1996, for example, the United States filed a complaint that European nations were blocking imports of U.S. beef. The Europeans responded that they did not want U.S. beef from cattle raised on growth hormones, because the meat posed a health hazard. Americans claimed that this was just an excuse to protect European beef from competition. A WTO panel ruled in favor of the United States, declaring that there was no scientific basis for the European position. The

WTO gave Europe the choice of permitting American beef to enter or having the United States impose high tariffs that would prevent $100 million worth of European goods from entering America each year. The Europeans chose the high tariffs.

In 1997, the United States (along with several Latin American countries) complained that Europe was discriminating against banana imports from U.S.-based corporations like Dole and Chiquita. The Europeans admitted their policy favored buying bananas from small growers in former colonies rather than from large corporations, but claimed they had a WTO exemption. The WTO panel ruled that Europe had exceeded its exemption and ordered it to stop the favoritism or suffer high tariffs that would discourage an additional $191 million worth of European imports a year. So far, the Europeans have again chosen the tariffs.

In other cases, America got Japan to stop violating the copyrights of music recorded in the 1950s and 1960s, prevented Canada from limiting imports of American magazines, and halted India from ignoring patents for American drugs and chemicals.

The United States, however, has lost several cases. The WTO denied an American challenge to Japan's film market, which U.S. officials claimed was closed to outsiders. The WTO also ruled that the U.S. Environmental Protection Agency's toughened standard on gasoline discriminated against foreign refiners.

WTO PROS AND CONS

Criticism of the WTO comes from different viewpoints. Some argue that the WTO is imposing the interests of multinational corporations on every nation. Paul Hawken, chairman of a non-profit that helps businesses, has stated: "WTO rules run roughshod over local laws and regulations. The corporations operating through the WTO relentlessly pursue the elimination of any restriction on the free flow of trade . . . . The WTO is eliminating the ability of countries and regions to set standards, to express values, or to determine what they do or don't support." Hawken notes that "in every environmental dispute that has come before the WTO, its three-judge panels . . . have ruled for business, and against the environment."

Other critics see the WTO as ineffective. They note, for example, that in the beef and banana cases, which the United States won, the beef and banana producers did not win. Europe kept its restrictions on beef and bananas and chose instead to accept a tariff on imports to the United States. These critics believe that diplomacy and negotiating directly with other nations is a better way to set trade policy.

WTO supporters reject these criticisms. They deny that the WTO is controlled by corporate interests. They say it is a democratic organization. Each nation sends governmental representatives and decisions are made by consensus. Every nation must approve each WTO trade agreement through its own ratification process. Further, they argue, the WTO is a trade organization. They say it does not overturn any nation's environmental laws. But, they point out, no WTO member nation can restrict trade by placing higher environmental standards on foreign imports than it does on its domestic products.

WTO supporters view it as highly effective. They stress that it has settled more than 200 trade disputes, which otherwise might have led to trade wars. Its rules apply to all member nations, they say, and thus the WTO frees countries from having to negotiate separate agreements with each of their numerous trading partners.

POINTS OF INQUIRY

1. What is the World Trade Organization? Why was it created?
2. What are tariffs and trade barriers? Do you think they are ever justified? Explain.
3. What are some concerns that people have about the World Trade Organization? Do you agree with them?
4. What are some arguments against the United States belonging to the World Trade Organization? What are some arguments in favor of it?

15 Citizenship and Rights

The 14th Amendment to the Constitution defines who are citizens. It states that "all persons born or naturalized in the United States . . . are citizens of the United States and the State wherein they reside." This means that a person can become a citizen in two ways: by birth or by the naturalization process.

The Statue of Liberty stands in New York Harbor welcoming people from around the world to America.

A person can become a citizen at birth by being born in the United States or in an American territory. Children born outside the United States whose parents are American citizens are also automatically citizens. Children born of one American parent and one foreign national outside the United States may have dual citizenship.

People born outside the United States can become citizens through the process of naturalization. It begins with legal immigration. Congress sets the priorities for immigration and the number of immigrants to be admitted to the country each year. It also sets limits on the number of immigrants who can come from any one country.

To qualify for naturalized citizenship, persons must be lawfully admitted to the United States, have permanent resident status, and be at least 18-years-old. They must have lived in the United States continuously for at least five years and for at least six months in the state where they petition for naturalization. They must affirm their beliefs in the principles of the Constitution and be willing to give up their previous citizenship. They must swear they are not members of any party that seeks the overthrow of the United States. They must be of good moral character with no felony convictions. Once a person's application is accepted, the applicant will be examined. They must prove they have knowledge of American history and institutions and that they can read, write, and speak English. They also must produce statements of two American citizens in support of the petition. As a final step, the applicant appears before a judge for a final hearing and swearing of allegiance to the United States.

All persons living in the United States who are not citizens are foreign nationals or aliens. They cannot vote, hold elective office, or work in civil service. They must be fingerprinted and register with the Immigration and Naturalization Service. Aliens can also be deported (forced to leave the country) for various reasons including being convicted of a crime, advocating the overthrow of the United States, or entering the country illegally. But deportation proceedings must follow due process of law. American citizens may not be deported. Legal aliens, however, do have many of the rights accorded citizens. They can own property and have the protections of the Bill of Rights. Many have permission to work and earn money. They must pay taxes and obey the laws.

Not all countries have the same naturalization policies as the United States. Some are much more restrictive about the numbers of immigrants allowed and the number who can be naturalized. Some require longer residency periods than the United States. Others impose ethnic or religious requirements on citizenship.

THE RIGHTS OF CITIZENS

American citizens have personal, political, and economic rights. Historical sources of these rights include the Northwest Ordinance, the Constitution and its Bill of Rights, the various state constitutions and English and American common law. Rights can also be created by federal and state statutes, federal and state court decisions, and federal and state regulations.

Personal or individual rights assure Americans of the ability to seek life, liberty, and the pursuit of happiness with dignity and security. They protect Americans from undue interference by government or other members of the community. The right of free exercise of religion allows citizens to practice the faith of their choice. The right to privacy protects citizens from unreasonable searches. It also allows citizens to be left alone to make decisions about personal matters and what information about themselves should be made public. The rights of due process protect people from arbitrary government actions. The rights of equal protection seek to assure that Americans are treated equally before the law and protected against discrimination.

Americans are often confronted with issues about individual rights. For example, in recent years Americans have debated and the courts have decided issues of individual privacy in controversies over birth control, abortion, and the disclosure of personal and financial information by government and corporations.

Political rights are all those that give citizens the right to participate in civic affairs and have a voice in shaping the actions of government. They include the right to vote, freedom of speech and the press, and the rights to petition and to assemble in public.

Debates over political rights often arise. Recent issues include questions over campaign finance, creating legislative districts to increase representation of racial groups, and citizen access to information held by the government.

Economic rights allow Americans to participate freely in the marketplace. They include the rights to own property, make contracts, and to receive just compensation if the government exercises its right to take property for public purposes.

Issues debated about economic rights include the power of government to enact zoning ordinances or to acquire property through eminent domain, questions of taxation, government regulation of business and employment, and product and consumer safety.

It is often argued that personal, political, and economic rights reinforce one another and that all are necessary for a healthy constitutional democracy. For example, to freely participate in economics or politics, one must feel secure and have the ability to make personal decisions. To take advantage of economic rights, a person needs political rights such as the freedom of speech and association.

Just as rights reinforce one another, they also can conflict. The right of a person to a fair and impartial trial by a jury may conflict with the rights of a free press to cover the trial if the coverage could influence the jurors. The right to use and enjoy one's home by throwing a wild party could interfere with the rights of neighbors to live in peace and quiet.

POINTS OF INQUIRY

1. What are the two ways people can become American citizens?
2. What does a person who is not a citizen have to do to become a citizen? Do you think these requirements are fair and reasonable? Explain.
3. What are some personal rights that Americans have? Political rights? Economic rights? How do these rights reinforce each other? How might these rights conflict?
4. What historical sources do these rights come from?
5. What rights do non-citizens have? Do you think they should have these rights? Explain.

Should Illegal Immigrants Be Denied Public Benefits?

The issue of how to deal with new immigrants has arisen throughout our history. At various times, the federal government has restricted or expanded the number of legal immigrants. In recent years, the issue of immigration has focused on undocumented aliens, those who are in the United States illegally. One of the most controversial issues concerns whether undocumented aliens should be denied public benefits, like public education and health care.

The federal government is responsible for controlling U.S. borders. The U.S. Immigration and Naturalization Service (INS) administers federal laws that determine legal status in the United States. But federal efforts have not succeeded in controlling the number of illegal immigrants in California, Texas, Arizona, south Florida, and other areas. The INS estimated that California had roughly 1.6 million illegal immigrants in 1994.

Some people believe the large number of illegal immigrants poses a serious problem. They argue that because undocumented aliens will work for less money, they take jobs away from Americans. They also believe it unfair that taxpayers must pay for the health care and public education of undocumented aliens.

Others disagree. They argue that undocumented aliens pay taxes and do work that most Americans don't want to do. They point out that whole industries in America depend on undocumented workers.

The dispute over illegal immigration has prompted bitter fights at the ballot box and in the courts between those who favor strict measures to discourage illegal immigration and those who oppose such measures on humanitarian grounds.

PROPOSITION 187

In 1994, California voters decided on Proposition 187, a controversial initiative. Its purpose was to discourage illegal immigration into California by denying education, health, and social services to people who did not have legal immigrant status. Under the proposition, people without legal status could be barred from getting welfare benefits, from receiving non-emergency health service, and from attending public schools. The measure required police and school, public-health, and social-service administrators to check on the immigration or citizenship status of the people they serve. For example, school officials would have to check on all students. Social service workers would have to check on their clients. The names of those suspected of illegal status would be sent to the INS and the California attorney general.

PROS AND CONS

Supporters of Proposition 187 argued that the federal government had failed to deal with illegal immigration. They believed that illegal immigration burdened California taxpayers, was morally wrong, and hurt the economy and job market. They hoped that the measure would force the federal government to better control the borders. The law, they argued, would discourage illegal immigration and reduce the costs of public services by hundreds of millions of dollars. These savings, they argued, could be used to improve services to legal residents or to cut taxes.

Opponents of Proposition 187 argued that it is bad public policy because it required public service employees to enforce it, turning them into law-enforcement officers. They predicted that if illegal immigrants were denied health services, disease rates might increase. Or, if students were forced out of school and onto the streets, crime rates might increase. Finally, opponents argued that the measure could increase prejudice against brown-skinned residents whether they are citizens, legal residents, visitors, or illegal immigrants.

Part of the debate centered on the constitutionality of the measure. Opponents pointed to an existing U.S. Supreme Court decision, *Plyler v. Doe* (1982). In this 5–4 opinion, the Supreme Court ruled that a Texas law excluding children of illegal aliens from public school violated the equal protection clause of the 14th Amendment. This clause says that no state may "deny to any person within its jurisdiction the equal protection of the laws." According to prior court interpretations of this clause, a state must have a rational basis

for treating people differently and it must further some substantial goal of the state. The court decided that Texas had neither. The majority opinion stated that "the Texas statute imposes a lifetime hardship on a discrete class of children [who] . . . can neither affect their parents' conduct nor their own undocumented status." The court went on to say: "We cannot ignore the significant social costs borne by our Nation when select groups are denied the means to absorb the values and skills upon which our social order rests." The court concluded that states must provide free public schooling to children of undocumented immigrants on an equal basis with other children in the state.

Supporters of Proposition 187 noted that *Plyler* was a 5-4 decision and the Supreme Court had grown more conservative since that time. They believed that the current Supreme Court would overrule the *Plyler* decision. The four dissenters in *Plyler* argued that Texas had a rational basis and substantial state goal in denying education to children of undocumented immigrants. The dissenters stated: "By definition, illegal aliens have no right whatever to be here, and the state may reasonably, and constitutionally, elect not to provide them with governmental services at the expense of those who are lawfully in the state."

In the November 1994 election, Proposition 187 passed by a nearly 3-2 margin, but almost immediately it was challenged in federal court. Implementation was delayed until the courts decided on its constitutionality.

THE AFTERMATH

In November 1997, federal Judge Mariana R. Pfaelzer struck down all the major provisions of Proposition 187, including the ban on public school attendance and health and social-service benefits. Judge Pfaelzer did not base her ruling on the *Plyler* case. Instead, she based it on the supremacy clause in Article VI of the U.S. Constitution. It holds that laws passed by Congress are the supreme law of the land and that if they conflict with laws passed by any state, the state laws are invalid. According to Judge Pfaelzer's ruling, Proposition 187's attempt to regulate immigration was preempted by federal immigration law.

This California road sign near the U.S.–Mexico border warns motorists to look out for illegal immigrants crossing the highway.

Supporters of the Proposition 187 urged the state to appeal the ruling. But a major supporter of the measure, Republican Governor Pete Wilson, retired from office, and his successor, Democrat Gray Davis, refused to pursue the case.

This probably means that the issue of denying public benefits to undocumented immigrants will be decided on the federal level. After the passage of Proposition 187, the U.S. Congress did get involved. In 1996, a new federal welfare reform law went into effect. Called the Personal Responsibility and Work Opportunity Reconciliation Act, it too restricts the rights of illegal immigrants to receive various public benefits. In some ways, it even went further. It not only applied to illegal immigrants, but also to "not-qualified" non-citizens who are legally residing in the United States on a temporary basis. Unlike Proposition 187, however, the welfare reform law did not ban children of illegal residents from public schools.

POINTS OF INQUIRY

1. What was the purpose of Proposition 187? What does it require?
2. What was the *Plyler* decision? Do you agree with it? Explain.
3. How did Judge Pfaelzer rule on Proposition 187? Do you agree? Explain.

16 Civic Participation and Responsibility

Civic participation is essential to the workings of a constitutional democracy. All individuals must participate wisely in the political life of their community and the nation. Those eligible to vote should exercise their right and carefully consider their choices of governmental representatives, leaders, and judges. To do so, they must stay informed about the issues and the positions of candidates. Also, individuals must be prepared to serve on juries so that the rights to a fair and impartial trial can be preserved. They must be willing to pay taxes to assure a common defense, public safety, and other essential governmental services.

Young people in Southern California learned how to work with local government to design and build their own stakeboard park.

Beyond these basics, there is more to good citizenship. Individuals need to understand constitutional principles, debate their meaning, and be prepared to defend them. They need to know how to participate in the political processes of government so that they can influence public policy. Our governmental structure offers many opportunities to do so. People can attend political and governmental meetings such as those of the state legislature or city council. They can contact and express their views to elected officials. They can write letters to representatives or to newspapers on issues of public policy.

Individuals can also work with others in political campaigns or make their voices heard by circulating petitions or demonstrating peacefully. These kinds of actions have brought great changes to America over the years. Such actions won women the right to vote during the women's suffrage campaigns and helped achieve greater equality for African-Americans and other minority groups during the civil rights movement.

Individuals can also decide to take a leadership role in public affairs by running for office or seeking appointment to office. Besides elected offices, there are many opportunities to serve on commissions, boards, and grand juries at every level of government. People can also devote their lives to public service as governmental workers, police officers, teachers, fire fighters, judges, prosecutors, and public defenders.

PARTICIPATION IN CIVIL SOCIETY

Participation in government and the political process, though crucial to the health of a democratic republic, is not the only way to demonstrate effective citizenship. Many argue that individuals owe a commitment to the betterment of their communities by direct participation. There are many ways to participate.

Joining and participating in community organizations such as service clubs, parent-teacher associations, church groups, or charity leagues bring community members together to form bonds, discuss common interests, and address community problems.

Each year, millions of Americans volunteer their time to help solve community problems and address community needs. People volunteer for community clean-ups, to visit nursing homes, to build shelters for the homeless, to help feed the hungry, and to mentor and teach reading to children. Millions of Americans also participate in fund-raising activities and give money to charities. While these actions do not necessarily involve political participation, they do help create a much better society and a healthier country.

CIVIC CHARACTER

Certain character traits improve an individual's ability to meet civic responsibilities and contribute to a healthy society. Some are personal traits. Self-reliance, supporting one's family, making sure one's children are educated, and earning a living are all personal traits that benefit society.

Responsible citizenship, however, requires more. It is important that individuals respect the law and be law-abiding. Yet, there are times when people, on deeply held moral grounds may refuse to obey what they consider to be an unjust law or refuse a civic responsibility such as the draft.

It is important that people respect individual worth and human dignity and show compassion for each other. This includes respecting the rights, choices, and contrary opinions of others.

It is important that Americans develop a patriotic loyalty to the principles of U.S. constitutional democracy and be willing to defend them. For American constitutional democracy to thrive, it is important that citizens invest of themselves in assuring its continuance.

POINTS OF INQUIRY

1. What are some basic personal responsibilities? How can society benefit by people taking care of their personal responsibilities? What are some different civic responsibilities? How are they important? What character traits promote personal and civic responsibility?
2. How might moral considerations or constitutional principles force a person to refuse his or her civic responsibilities? How might tension arise between a person's personal and civic responsibilities?
3. What are different opportunities for individuals to engage in public service? How do you think students can exercise leadership in public service?
4. What is the difference between taking political action and non-political volunteering to help the community? Give an example of each. Why are they both important?
5. What are some current and historical examples of citizen movements in America? Explain what each was trying to achieve.
6. Why do you think it is important for individuals in a democracy to know about American constitutional democracy and the workings of government?

Getting Involved

If you want to get involved in improving your community, what can you do? Contributing to the social welfare of your community can be accomplished in three basic ways. You can try to influence government policy. You can volunteer at an agency that provides a service to the community. You can plan and implement a direct service project for the community.

INFLUENCING PUBLIC POLICY

Perhaps the most effective way to improve conditions in your community is to work to get a public policy changed, a new policy enacted, or an unsatisfactory policy rejected. Addressing public policy involves interacting with the lawmaking, or legislative, branch of government and usually requires a group effort. Taking action in this way can take a great deal of time and effort, but the results can be both effective and satisfying.

Skateboarding on public and commercial property was against the law in Hermosa Beach. Skateboarders in this California oceanfront community grew tired of being chased from public areas, having their skateboards confiscated by police, and being stereotyped as criminals. A small group of skateboarders decided that they needed someplace to skateboard.

The skateboarders conducted a survey and found strong public support for a skateboard park. To build a skateboard park, the skateboarders would have to influence policy. That meant they would have to lobby local government. As their first lobbying effort, the skateboarders wrote a petition, circulated it, and presented it to the City Council.

Some members of the Hermosa Beach City Council were reluctant to address the problem. They expressed concern about the cost and liability for what they considered an injury-prone sport. The skateboarders and their parents began to attend City Council meetings to present their ideas to sympathetic council members. Working closely with officials from the city department of parks and recreation, the skateboarders:

- Researched statistics on skateboard injury and civic liability.
- Surveyed available public land to find a suitable location for a park.
- Participated in a study of skateboard parks in other communities.
- Convinced local businesses and nearby residents that a skateboard park would have a positive impact on the chosen neighborhood.

As a result of the skateboarders' lobbying efforts, the City Council recommended the construction of a city-funded and sponsored skateboard park. Next, the skateboarders formed a task force consisting of an architect, a construction contractor, and park and recreation officials to design the park. After the City Council approved the design, a budget was drawn up and approved, and construction began on the skateboard park.

While the park was under construction, the skateboarders worked with lawyers and city officials to develop a set of ordinances about the operation and maintenance of the new facility. The ordinances were reviewed, revised, and approved in time for the park opening.

The process the skateboarders went through is also known as political action because it involves interacting with the political institutions of local, state, or federal government. There may be problems you would like to address that do not require political action. You may see a need that can be addressed more directly through volunteering or direct action. These methods allow citizens to work directly with groups or other individuals without needing to interact with a community's political institutions.

VOLUNTEERING

Organizations are probably already at work trying to improve your community. You may be able to find an organization that works on a problem you are concerned about. You can volunteer at an agency that provides a service to the community.

After her home was burglarized, 11-year-old Linda Warsaw wanted to do something about crime. She volunteered in the district attorney's office. While working for the district attorney, Linda saw many cases of child abuse come through the office. Wanting to do more, she got together with a group of friends and formed an organization called Kids Against Crime. Their purpose was to inform kids about how to protect themselves from abuse. Linda's efforts went from volunteering to direct service.

DIRECT SERVICE

You may have an idea of a project you could do to address a community problem or need. You could work alone or with a group to plan and implement this project.

Shocked at seeing a televised story about homelessness, Trevor Ferrell persuaded his parents to drive him downtown. He gave a single homeless person a blanket. That simple act began a two-year project. Trevor enlisted the help of neighbors and businesses. He and his family returned downtown with contributions of clothing and food. Eventually, the media took note. Within two years, Trevor had recruited over 1,000 volunteers who fed homeless people hot meals. Finally, Trevor's campaign generated a homeless shelter, a woman's shelter, and a day-care center.

POINTS OF INQUIRY

1. What are the three basic ways of getting involved in your community? Which do you think is most effective? Why?
2. The anthropologist Margaret Mead once said: "Never doubt that a small group of thoughtful, committed people can change the world. Indeed, it is the only thing that ever has." What does this mean? Do you agree with it? Explain.

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